



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

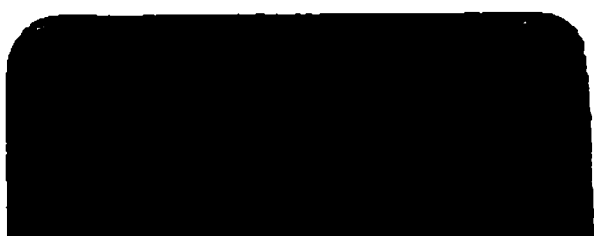
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>







CB  
A.D.C.  
FLCS  
; 7













**A TREATISE**  
**ON THE**  
**LAW OF MUNICIPAL CORPORATIONS**

---

**VOLUME FIVE**



**COMMENTARIES**  
**ON THE LAW OF**  
**MUNICIPAL CORPORATIONS.**

**BY**

**JOHN F. DILLON, LL.D.,**

**AUTHOR OF "THE LAWS AND JURISPRUDENCE OF ENGLAND AND AMERICA"; PRESIDENT OF  
THE AMERICAN BAR ASSOCIATION, 1891-1892; FORMERLY CIRCUIT JUDGE OF THE  
UNITED STATES FOR THE EIGHTH JUDICIAL CIRCUIT; CHIEF JUSTICE  
OF THE SUPREME COURT OF IOWA, AND PROFESSOR OF  
LAW IN COLUMBIA UNIVERSITY.**

**FIFTH EDITION,**

**THOROUGHLY REVISED AND ENLARGED.**

**IN FIVE VOLUMES.**

**VOL. V.**

STANFORD LIBRARY

**BOSTON:**  
**LITTLE, BROWN, AND COMPANY.**  
**1911.**

Entered, according to Act of Congress, in the years 1872, 1873, 1881,  
By JOHN F. DILLON,  
In the Office of the Librarian of Congress, at Washington.

*Copyright, 1890, 1900, 1911,*  
By JOHN F. DILLON.

183616

183616

Printers  
S. J. PARKHILL & Co., BOSTON, U.S.A.

**C O N T E N T S**

---

**TABLE OF CASES CITED . . . . . Pages 1-494**  
**INDEX . . . . . 495-738**



## TABLE OF CASES CITED





# TABLE OF CASES CITED

[REFERENCES ARE TO PAGES]

<b>Aachen &amp; M. F. Ins. Co. v. Omaha</b> (72 Neb. 518; 101 N. W. 3) 2354	<b>Abernethy v. Dennis</b> (49 Mo. 468) 1568, 1888, 1899
<b>Aaron v. Broiles</b> (64 Tex. 316; 53 Am. Rep. 764) 560, 2898	— <b>v. Medical Lake</b> (9 Wash. 112; 37 Pac. 306) 1292, 1315, 1316, 2676
<b>Abbett v. Johnson County</b> (114 Ind. 61; 16 N. E. 127) 2856	— <b>v. Van Buren</b> (52 Mich. 353; 18 N. W. 116) 3013
<b>Abbeville v. Leopard</b> (61 S. Car. 99) 956, 972	<b>Abilene v. Cowperthwait</b> (52 Kan. 324; 34 Pac. 795) 3012
<b>Abbey v. Billups</b> (35 Miss. 618) 631, 1172	— <b>v. Hendricks</b> (36 Kan. 196; 13 Pac. 121) 3017
<b>Abbot v. Hermon School Dist.</b> (7 Me. 118) 1194	— <b>v. Wright</b> (4 Kan. App. 708; 46 Pac. 715) 1730
<b>Abbott v. Cottage City</b> (143 Mass. 521; 10 N. E. 325; 58 Am. Rep. 143) 1693, 1725, 1726, 1727, 1747, 1748, 1757	<b>Abraham v. Louisville</b> ([Ky.], 62 S. W. 1041) 1830, 2556
— <b>v. Detroit</b> (150 Mich. 245; 113 N. W. 1121) 2822	<b>Abrahams v. Omaha</b> (80 Neb. 271; 114 N. W. 161) 1305, 1312
— <b>v. Duluth</b> (104 Fed. Rep. 833) 1927	<b>Abston v. Waldon Academy</b> (118 Tenn. 24; 102 S. W. 351) 2897
— <b>v. Galveston</b> (97 Tex. 474; 79 S. W. 1064) 1596	<b>Achley's Case</b> (4 Abb. Pr. [N. Y.] 35) 148, 670, 677, 838
— <b>v. Mills</b> (3 Vt. 521; 23 Am. Dec. 222) 1699, 1707, 1747, 1788	<b>Acker v. Knoxville</b> (117 Tenn. 224; 96 S. W. 973) 2013
— <b>v. Milwaukee L. H. &amp; Tr. Co.</b> (126 Wis. 634; 106 N. W. 523; 4 L. R. A. n. s. 202) 2031	— <b>v. Newcastle</b> (48 Hun [N. Y.] 312; 1 N. Y. Supp. 223) 3041
— <b>v. Yost</b> (2 Denio [N. Y.] 86) 774	<b>Ackerly v. Jersey City</b> (54 N. J. L. 310; 23 Atl. 666) 815
<b>Abel v. Pembroke</b> (61 N. H. 357) 551	<b>Ackerman, Ex parte</b> (6 Cal. App. 5; 91 Pac. 427) 901, 919, 996, 1100, 1102
<b>Abells v. Syracuse</b> (7 N. Y. App. Div. 501; 40 N. Y. Supp. 233) 1231	— <b>v. Thummel</b> (40 Neb. 95; 58 N. W. 738) 1297
<b>Abendroth v. Manhattan R. Co.</b> (122 N. Y. 1; 25 N. E. 496; 11 L. R. A. 634; 19 Am. St. Rep. 461) 1775, 1778, 1993, 2024, 2038	— <b>v. True</b> (175 N. Y. 353; 67 N. E. 629, rev'g 71 N. Y. App. Div. 143; 75 N. Y. Supp. 695) 1790, 1791, 1867, 1879, 1880, 2662
<b>Aberdeen v. Lucas</b> (37 Wash. 190; 79 Pac. 632) 2600	<b>Ackley School Dist. v. Hall</b> (113 U. S. 135) 136, 1325, 1350
— <b>v. Saunderson</b> (16 Miss. 663) 179, 235	<b>Acme Road Machinery Co. v.</b> <b>Bridgewater</b> (185 N. Y. 1; 77 N. E. 879) 2852
— <b>v. Sykes</b> (59 Miss. 236) 1464	<b>Acton v. Blundell</b> (12 Mees. & W. 324) 2307
— <b>Female Academy Trs. v. Ab-</b> <b>erdeen</b> (21 Miss. 645) 179, 183, 197, 199, 235	<b>Adair v. Atlanta</b> (124 Ga. 288; 52 S. E. 739) 1862, 1872
— <b>R. Co. v. Blaikie</b> (1 Macq. App. Cases, 461) 1141	— <b>v. Kingston</b> (27 Up. Can. C. P. 126) 3015
<b>Abernathy v. Phifer</b> (84 N. Car. 711) 1317	

## TABLE OF CASES CITED

[References are to pages]

- Adam, Matter of (113 N. Y. App. Div. 524; 99 N. Y. Supp. 273) 799  
 Adams, Matter of (141 N. Y. 297; 36 N. E. 318) 1805, 1806  
 — *v. Albany* (29 Ga. 56) 926, 944, 1012  
 — *v. Ashland* ([Ky.], 80 S. W. 1105) 368  
 — *v. Bank of Oxford* (78 Miss. 532; 29 So. 402) 2383  
 — *v. Beale* (19 Iowa, 61) 2488  
 — *v. Beloit* (105 Wis. 363; 81 N. W. 869; 47 L. R. A. 441) 257, 271, 274, 277, 291, 296, 298, 2580  
 — *v. Brennan* (177 Ill. 194; 52 N. E. 314; 42 L. R. A. 718; 69 Am. St. Rep. 222) 212, 1215, 1216, 2763  
 — *v. Carlisle* (21 Pick. [Mass.] 146) 2970  
 — *v. Chicago, B. & N. R. Co.* (39 Minn. 286; 39 N. W. 629; 1 L. R. A. 493; 12 Am. St. Rep. 644) 1993, 2013  
 — *v. Clarksburg* (23 W. Va. 203) 1649  
 — *v. Cronin* (29 Colo. 488; 69 Pac. 590; 63 L. R. A. 61) 1020  
 — *v. Ducate* (86 Miss. 276; 38 So. 497) 2401  
 — *v. East Rivers Sav. Inst.* (136 N. Y. 52; 32 N. E. 622) 347  
 — *v. Emerson* (6 Pick. [Mass.] 57) 1817, 1818  
 — *v. Farnsworth* (15 Gray [Mass.] 423) 1184  
 — *v. Fisher* (63 Tex. 651; s. c. 75 Tex. 657; 6 S. W. 772) 2537, 2563  
 — *v. Green* (74 Mo. App. 125) 2562, 2563  
 — *v. Haines* (48 N. J. L. 25; 8 Atl. 723) 791  
 — *v. Hill* (16 Me. 215) 848  
 — *v. Illinois Cent. R. Co.* (71 Miss. 752; 15 So. 640) 1889  
 — *v. Kuykendall* (83 Miss. 571; 35 So. 830) 159, 2383, 2397, 2401, 2441  
 — *v. Lancashire & Y. R. Co.* (L. R. 4 C. P. 739) 3018  
 — *v. Lindell* (5 Mo. App. 197; aff'd 72 Mo. 198) 843, 2632  
 — *v. London R. Co.* (2 Macn. & Gord. 118) 2775  
 — *v. Mack* (3 N. H. 493) 888  
 — *v. Memphis & M. R. Co.* (2 Coldw. [Tenn.] 645) 1328, 1343, 1544, 1592  
 — *v. Minneapolis* (20 Minn. 484) 605  
 — *v. Mississippi Lumber Co.* (84 Miss. 23; 36 So. 68) 2325, 2331, 2382  
 — *v. Mississippi State Bank* (75 Miss. 701; 23 So. 395) 2382  
 Adams *v. Modesto* (131 Cal. 501; 63 Pac. 1083) 2813, 2814  
 — *v. Monroe County* (18 N. Y. App. Div. 415; 46 N. Y. Supp. 48) 2829  
 — *v. Natick* (13 Allen [Mass.] 429) 2964  
 — *v. Newfane* (8 Vt. 271) 1656  
 — *v. Ohio Falls Car Co.* (131 Ind. 375; 31 N. E. 57) 1631, 1867  
 — *v. Rivers* (11 Barb. [N. Y.] 393) 1825  
 — *v. Roanoke* (102 Va. 53; 45 S. E. 881) 2365, 2370, 2533, 2609  
 — *v. Roberts* (119 Ky. 364; 83 S. W. 1035) 731  
 — *v. Rome* (59 Ga. 765) 1235, 1593, 2129  
 — *v. Salina* (58 Kan. 246; 48 Pac. 918) 2851  
 — *v. Saratoga & W. R. Co.* (10 N. Y. 328) 1646  
 — *v. Shelbyville* (154 Ind. 467; 57 N. E. 114; 49 L. R. A. 797; 77 Am. St. Rep. 484) 2518, 2534, 2623  
 — *v. Somerville* (2 Head [Tenn.] 363) 2457  
 — *v. Thief River Falls* (84 Minn. 30; 86 N. W. 767) 2960  
 — *v. Tyler* (121 Mass. 380) 471  
 — *v. University Hospital* (122 Mo. App. 675; 90 S. W. 453) 2897  
 — *v. Walker* (34 Conn. 466; 91 Am. Dec. 742) 3041  
 — *v. Waterville* (95 Me. 242; 49 Atl. 1042) 357  
 — *v. Wiscasset Bank* (1 Me. 361; 10 Am. Dec. 88) 2856  
 — *v. Yazoo & M. V. R. Co.* (77 Miss. 194; 24 So. 200, 317; 28 So. 956; 60 L. R. A. 33) 2383  
 Adams County *v. Cole* (9 Ind. App. 474; 36 N. E. 912) 1148  
 — *v. Quincy* (130 Ill. 566; 22 N. E. 624; 6 L. R. A. 155) 2453, 2545, 2546, 2551, 2572, 2578  
 Adams Express Co. *v. Iowa* (196 U. S. 147) 2352  
 — *v. Kentucky* (166 U. S. 171) 2344  
 — *v. Kentucky* (206 U. S. 129, 135) 2351, 2352  
 — *v. Kentucky* (214 U. S. 218, rev'g 124 Ky. 182; 87 S. W. 1111) 2351, 2352  
 — *v. Ohio* (165 U. S. 194; s. c. 166 U. S. 185) 2331, 2333, 2334, 2344, 2345, 2420  
 — *v. Owensboro* (85 Ky. 265; 3 S. W. 370) 2463  
 Adamson *v. Nassau Elect. R. Co.* (89 Hun [N. Y.] 261; 34 N. Y. Supp. 1073) 2146, 2779, 2780

## TABLE OF CASES CITED

5

[References are to pages]

- Adamson v. New York** (188 N. Y. 255; 80 N. E. 937; 10 L. R. A. n. s. 925; 117 Am. St. Rep. 863, aff'g 110 N. Y. App. Div. 58; 96 N. Y. Supp. 907) 2849, 2850, 2851
- *v. Union R. Co.* (74 Hun [N. Y.] 3; 26 N. Y. Supp. 136) 2778
- Addington v. Canfield** (11 Okl. 204; 66 Pac. 355) 334
- Addis v. Pittsburgh** (85 Pa. St. 389) 1169, 1198, 1230
- Addy v. Janesville** (70 Wis. 401; 35 N. W. 931) 3045
- Addyston Pipe & Steel Co v. Chicago** (170 Ill. 580; 48 N. E. 967; 44 L. R. A. 405) 469, 470
- *v. Corry* (197 Pa. St. 41; 46 Atl. 1035; 80 Am. St. Rep. 812) 356, 357, 367, 368, 373, 1254
- *v. United States* (175 U. S. 211) 2330
- Adee v. Nassau Elect. R. Co.** (65 N. Y. App. Div. 529; 72 N. Y. Supp. 992, aff'd 173 N. Y. 580; 65 N. E. 1113) 1906, 1907, 1969, 1970
- Adirondack R. Co. v. New York** (176 U. S. 335, aff'g 160 N. Y. 225; 54 N. E. 689) 1661, 1985
- Adkins v. Monmouth** (41 Oreg. 266; 68 Pac. 737) 766
- *v. Richmond* (98 Va. 91; 34 S. E. 967; 47 L. R. A. 583; 81 Am. St. Rep. 705) 2326, 2327
- *v. Toledo* (6 Ohio C. C. n. s. 433) 265
- *v. Toledo* (27 Ohio Cir. Ct. 417; 17 Ohio Cir. Dec. 417) 871
- Adleman v. Pierce** (6 Idaho, 294; 55 Pac. 658) 2795
- Adler v. Metropolitan El. R. Co.** (138 N. Y. 173; 33 N. E. 935) 1790, 2049
- *v. Whitbeck* (44 Ohio St. 539; 9 N. E. 672) 2369
- Adley v. Reeves** (2 Maule & S. 60) 956, 957, 962, 974, 975
- Adolph v. Central Park, N. & E. R. Co.** (65 N. Y. 554) 1980, 1981
- Adriance v. New York** (1 Barb. [N. Y.] 19) 2773
- Adsit v. Brady** (4 Hill [N. Y.] 630; 40 Am. Dec. 305) 767, 770
- Advance, The** (60 Fed. Rep. 766) 504
- Aerated Bread Co. v. Gregg** (L. R. 8 Q. B. 355) 958
- Ætna F. Ins. Co. v. Reading** (119 Pa. 417; 13 Atl. 451) 2463
- Ætna Ins. Co. v. New York** (7 N. Y. App. Div. 145; 40 N. Y. Supp. 120, aff'd 153 N. Y. 331; 47 N. E. 593) 2423, 2825, 2829
- Ætna Life Ins. Co. v. Burrton** (75 Fed. Rep. 962) 1512
- Ætna Life Ins. Co. v. Lyon County** (44 Fed. Rep. 329) 382, 385, 386, 406, 1496
- *v. Lyon County* (95 Fed. Rep. 325) 385
- *v. Middleport* (124 U. S. 534) 1481, 1550, 1551, 1552
- *v. Pleasant Township* (22 U. S. App. 510) 575
- Ætna Mills v. Waltham** (126 Mass. 122) 2874
- African Society v. Varick** (13 Johns. [N. Y.] 38) 609, 611
- Agawam v. Hampden** (130 Mass. 528) 76, 217, 2314
- Agawam Nat. Bank v. South Hadley** (128 Mass. 503) 1185, 1187, 1480, 2824
- Agens v. Newark** (37 N. J. L. 415, rev'g s. c. 35 N. J. L. 168) 2506, 2510, 2511, 2530, 2537, 2538, 2596
- Agner v. Commonwealth** (103 Va. 811; 48 S. E. 493) 121
- Agnew v. Brall** (124 Ill. 312; 16 N. E. 230) 1238
- *v. Corunna* (55 Mich. 428; 21 N. W. 873; 54 Am. Rep. 383) 2957, 2969
- Agua Pura Co. v. Las Vegas** (10 N. Mex. 6; 60 Pac. 208; 50 L. R. A. 224) 2114, 2137, 2232, 2234
- Ah Cheung, Matter of** (136 Cal. 678; 69 Pac. 492) 1111
- Ahern v. Texarkana Impt. Dist.** (69 Ark. 68; 61 S. W. 575) 2375, 2432, 2568, 2574
- Ah Kit, In re** (45 Fed. Rep. 793) 1112
- Ahrens v. Fiedler** (43 N. J. L. 400) 2657
- *v. Rochester* (97 N. Y. App. Div. 480; 90 N. Y. Supp. 744) 3042
- Ah Sin v. Wittman** (196 U. S. 500) 1111
- Aicher v. Denver** (10 Colo. App. 413; 52 Pac. 86) 3037, 3044, 3048
- Aiken v. Columbus** (167 Ind. 139; 78 N. E. 657; 12 L. R. A. n. s. 416) 2135, 2302, 2865, 2911
- *v. Harbers* (6 Rich. Law [S. Car.] 96) 1012
- *v. Lithgoe* (7 Rich. Law [S. Car.] 435) 1707, 1716, 1729, 1730
- *v. Philadelphia* (9 Pa. Super. Ct. 502) 3014
- *v. Railroad Co.* (20 N. Y. 370) 519
- Aikin v. Albany, V. & C. R. Co.** (26 Barb. [N. Y.] 289) 1562
- Aikman v. School Dist.** (27 Kan. 129) 825
- Airy Street, Re** (113 Pa. St. 281; 6 Atl. 122) 136, 137
- Ake v. Mason** (101 Pa. 17) 895

## TABLE OF CASES CITED

[References are to pages]

- Akerman v. Cartersville School Com'rs* (118 Ga. 334; 45 S. E. 312) 2671
- *v. Lima* (7 Ohio N. P. 92) 441
- *v. Lima* (8 Ohio Dec. 430) 441
- Akers v. Kolkmeier & Co.* (97 Mo. App. 520; 71 S. W. 536) 843, 2613
- *v. New York* (35 N. Y. Supp. 1099; 14 N. Y. Misc. 524) 3016
- Akron v. Barber Asphalt Pav. Co.* (171 Fed. Rep. 29) 2606
- *v. Chamberlain County* (34 Ohio, 328; 32 Am. Rep. 367) 2930
- *v. France* (24 Ohio Cir. Ct. R. 63) 2659
- Akron & C. F. R. T. Co. v. Erie R. Co.* (28 Ohio Cir. Ct. 36) 1983, 2007
- Akron Water Works Co. v. Brownless* (10 Ohio Cir. Ct. 620) 2304
- Alabama v. Georgia* (23 How. [U. S.] 505) 493
- Alabama & F. R. Co. v. Kenney* (39 Ala. 307) 1604
- Alabama & V. R. Co. v. Bloom* (71 Miss. 247; 15 So. 72) 2013
- Alabama Gold L. Ins. Co. v. Lott* (54 Ala. 499) 2765
- Alabama West. R. Co. v. State* (155 Ala. 491; 46 So. 468; 19 L. R. A. n. s. 1173) 1785
- Alameda County v. Dalton* (148 Cal. 246; 82 Pac. 1050) 287
- Alameda Macadamizing Co. v. Pringle* (130 Cal. 226; 62 Pac. 394; 52 L. R. A. 264; 80 Am. St. Rep. 124) 1261
- *v. Williams* (70 Cal. 534; 12 Pac. 530) 2584
- Albany, In re* (23 Wend. [N. Y.] 277) 464, 869, 2793, 2798
- Albany v. Cameron & Barkley Co.* (121 Ga. 794; 49 S. E. 798) 1233
- *v. Cunliff* (2 N. Y. 165, rev'g 2 Barb. [N. Y.] 190) 1156, 1180, 2870
- *v. Lynch* (119 Ga. 491; 46 S. E. 622) 1271, 1588
- *v. Sikes* (94 Ga. 30; 20 S. E. 257; 26 L. R. A. 653) 3043
- *v. Watervliet T. & R. Co.* (108 N. Y. 14; 15 N. E. 370) 1631
- Albany Nat. Bank v. Albany* (92 N. Y. 363) 1184, 1190
- Albany Northern R. Co. v. Brownell* (24 N. Y. 345) 1614, 1615, 1771
- Albany Second Nat'l Bank v. Danville* (60 Ind. 504) 1345
- Albany St., Re* (6 Abb. Pr. [N. Y.] 273) 464
- Albany Street, In re* (11 Wend. [N. Y.] 148; 25 Am. Dec. 618) 1623, 1637, 2495
- Alberger v. Baltimore* (64 Md. 1; 20 Atl. 988) 458
- Albers, In re* (113 Mich. 640; 71 N. W. 1110) 1838
- Albert Cheese Co. v. Leeming* (31 Upper Can. C. P. 272) 1189
- Alberts v. Muskegon* (146 Mich. 210; 109 N. W. 262; 6 L. R. A. n. s. 1094; 117 Am. St. Rep. 633) 2957
- *v. Torrent* (98 Mich. 512; 57 N. W. 569) 739, 740, 1314, 1316
- Albertson v. Wallace* (81 N. Car. 479) 2472, 2476
- Albia v. Chicago, B. & Q. R. Co.* (102 Iowa, 624; 71 N. W. 541) 1613, 1616
- Albion v. Hetrick* (90 Ind. 545; 46 Am. Rep. 230) 2970, 3003
- Albright v. Bedford County* (106 Pa. St. 582) 740
- *v. Chester* (9 Rich. Law [S. Car.] 399) 1150
- *v. Fisher* (164 Mo. 56; 64 S. W. 106) 916, 1803
- *v. Sussex County Lake & Park Commission* (68 N. J. L. 523; 53 Atl. 612) 291, 299, 305, 317
- *v. Territory* (13 N. Mex. 64; 79 Pac. 719) 2728, 2743
- Albritton v. Huntsville* (60 Ala. 486; 31 Am. Rep. 46) 440, 2992, 2997, 3000, 3003, 3020
- Albuquerque Bank v. Perea* (147 U. S. 87) 2766
- Albuquerque Water Supply Co. v. Albuquerque* (9 N. Mex. 441; 54 Pac. 969) 2293
- Aloona v. White* (54 Mich. 503; 20 N. W. 537) 2794
- Alcorn v. Horner* (38 Miss. 652) 127, 2381, 2494
- *v. Philadelphia* (44 Pa. St. 348) 2882, 2901
- *v. Philadelphia* (112 Pa. 494; 4 Atl. 185) 2558, 2582
- Alcutt v. Trenton Police Com'rs* (66 N. J. L. 173; 48 Atl. 1006, aff'd 67 N. J. L. 351; 51 Atl. 1108) 815
- Alden v. Alameda County* (43 Cal. 270) 2675, 2813
- *v. Minneapolis* (24 Minn. 254) 2928
- *v. Pinney* (12 Fla. 348) 1792
- *v. Rounsville* (7 Met. [Mass.] 219) 628
- Alden Coal Co v. Challis* (200 Ill. 222; 65 N. E. 665) 1690, 1708, 1719, 1725
- Aldis v. South Park Com'rs* (171 Ill. 424; 49 N. E. 565) 2609
- *v. Union Elev. R. Co.* (203 Ill. 567; 68 N. E. 95) 2020
- Aldred's Case* (9 Coke, 59) 1883, 1884

## TABLE OF CASES CITED

7

[References are to pages]

- Aldrich v. Drury* (8 R. I. 554; 5 Am. Rep. 624) 1816, 1818  
 — *v. Gorham* (77 Me. 287) 2969, 2970  
 — *v. Howard* (7 R. I. 87; 80 Am. Dec. 636; s. c. 8 R. I. 246; 86 Am. Dec. 615) 1043, 1049, 1108  
 — *v. Londonderry* (5 Vt. 441; 17 Vt. 79) 2824  
 — *v. Pelham* (1 Gray [Mass.] 510) 2974  
 — *v. Providence* (12 R. I. 241) 2925  
 — *v. Tripp* (11 R. I. 141; 23 Am. Rep. 434) 2866, 2869, 2880, 2905, 2909  
*Aldridge v. Essex Public Road Board* (46 N. J. L. 126) 2640  
 — *v. Spears* (101 Mo. 400; 14 S. W. 118) 1641  
 — *v. Stillwater Board of Education* (15 Okla. 354; 82 Pac. 827) 1675  
*Alexander v. Alexandria* (5 Cranch [U. S.] 2) 447  
 — *v. Baltimore* (5 Gill [Md.] 383; 46 Am. Dec. 630) 1643, 1657, 1665, 1669, 2396, 2397, 2494, 2755  
 — *v. Bennett* (60 N. Y. 204) 1133  
 — *v. Dist. of Columbia* (3 Mackey, 192) 1676  
 — *v. Duluth* (77 Minn. 445; 80 N. W. 623) 275, 281, 297, 298  
 — *v. Elizabeth* (56 N. J. L. 71; 28 Atl. 51) 317  
 — *v. Greenville* (54 Miss. 659) 1105  
 — *v. Helber* (35 Mo. 334) 2481  
 — *v. Hoyt* (7 Wend. [N. Y.] 89) 774  
 — *v. McDowell* (67 N. C. 330) 2710  
 — *v. Milwaukee* (16 Wis. 247) 2919, 2920, 2930  
 — *v. Moss* ([Ky.], 89 S. W. 118) 2657  
 — *v. Oneida County* (76 Wis. 56; 45 N. W. 21) 1318  
 — *v. Tacoma* (35 Wash. 366; 77 Pac. 686) 2538, 2600, 2640  
 — *v. Tebeau* ([Ky.], 71 S. W. 427) 1716  
 — *v. Tolleston Club* (110 Ill. 65) 1581  
 — *v. Vicksburg* (68 Miss. 564; 10 So. 62) 2894  
 — *v. Wilmington R. Co.* (3 Strob. [S. C.] Law, 594) 475  
*Alexandria v. Bethlehem* (29 N. J. L. 375) 982  
 — *v. White* (46 La. An. 449; 15 So. 15) 2381  
*Alexandria & F. R. Co. v. Faunce* (31 Gratt. [Va.] 761) 489  
*Alexandria Bank v. Seton* (1 Pet. [U. S.] 299) 869  
*Alexandria Canal Co v. Swann* (5 How. [U. S.] 83) 1240  
*Alexandria Mechanics' Bank v. Bank of Columbia* (5 Wheat. [U. S.] 326) 1174  
*Alexian v. Oshkosh* (95 Wis. 221; 70 N. W. 162) 1674, 1675  
*Alfalfa Irrig. Dist. v. Collins* (46 Neb. 411; 64 N. W. 1086) 2365, 2503  
*Alger v. Lowell* (3 Allen [Mass.] 402) 2963, 2965, 2971, 3004  
*Allaire v. Hartshorne* (21 N. J. L. 665; 47 Am. Dec. 175) 1352  
 — *v. Knox* (62 N. Y. App. Div. 29; 70 N. Y. Supp. 845, aff'd 168 N. Y. 642; 61 N. E. 1127) 692, 712  
*Alleghany County v. Parrish* (93 Va. 615; 25 S. E. 882) 1559, 1596  
*Alleghany County School Com'rs v. Allegheny County* (20 Md. 449) 2656, 2712  
*Allegheny v. Campbell* (107 Pa. 530; 52 Am. Rep. 478) 516, 2904, 2905  
 — *v. McClurkan* (14 Pa. St. 81) 1180, 1182, 1188, 1284  
 — *v. Millville E. & S. St. R. Co.* (159 Pa. 411; 28 Atl. 202) 1950, 1953, 1958, 2165  
 — *v. Ohio & P. R. Co.* (26 Pa. St. 355) 1849, 1970  
 — *v. People's Nat. Gas & P. Co.* (172 Pa. 632; 33 Atl. 704) 1953  
 — *v. Western Pa. R. Co.* (138 Pa. 375; 21 Atl. 763) 2540, 2589, 2590  
 — *v. Zimmerman* (95 Pa. 287; 40 Am. Rep. 649) 1038, 1865  
*Allegheny City's Appeal* (41 Pa. 60) 2486  
*Allegheny County v. Gibson* (90 Pa. St. 397; 35 Am. Rep. 670) 2849, 2850, 2851  
 — *v. Lecky* (6 Serg. & Rawle [Pa.] 166; 9 Am. Dec. 418) 849  
 — *v. Shaw* (34 Pa. 301) 2858  
 — *v. Van Campen* (3 Wend. [N. Y.] 49) 681  
*Allegheny County L. Co. v. Booth* (216 Pa. 564; 66 Atl. 72; 9 L. R. A. n. s. 404) 1913  
*Allen v. Adams* (66 S. Car. 344; 44 S. E. 938) 1363  
 — *v. Archer* (49 Me. 346) 125  
 — *v. Baltimore & O. R. Co.* (114 U. S. 311) 2787, 2788  
 — *v. Bankston* (33 Ark. 740) 1308  
 — *v. Boston* (159 Mass. 324; 34 N. E. 519; 38 Am. St. Rep. 423) 1815, 1872, 3057  
 — *v. Brooklyn* (4 Fisher Pat. Cas. 598) 2866  
 — *v. Buffalo, R. & P. R. Co.* (151 N. Y. 434; 45 N. E. 845, aff'g 81 Hun [N. Y.] 615; 30 N. Y. Supp. 1129) 2078, 2080



## TABLE OF CASES CITED

[References are to pages]

- Allen v. Burlington (45 Vt. 202) 2828
- v. Chicago (176 Ill 113; 52 N. E. 33) 1607, 1807
- v. Chippewa Falls (52 Wis. 430; 9 N. W. 284; 38 Am. Rep. 748) 3044
- v. Clausen (114 Wis. 244; 90 N. W. 181) 1847, 1973, 1991, 2729, 2757
- v. Cook (21 R. I. 525; 45 Atl. 148) 2997, 3014
- v. Cooper (22 Me. 133) 848, 1194
- v. Davenport (107 Iowa, 90; 77 N. W. 532) 373, 445, 949, 1261, 1391, 1486, 1809, 2430, 2525, 2562, 2572
- v. Decatur (24 Ill. 332; 76 Am. Dec. 692) 2874
- v. Drew (44 Vt. 174) 2224, 2555, 2561, 2593
- v. Forrest (8 Wash. 700; 36 Pac. 971; 24 L. R. A. 606) 494
- v. Galveston (51 Tex. 302) 450, 1169, 2451, 2484, 2485, 2537, 2565, 2576
- v. Hancock (16 Vt. 230) 2971
- v. Janesville (35 Wis. 403) 1254
- v. Jay (60 Me. 124; 11 Am. Rep. 185) 578, 1364, 1631, 1642, 2312, 2314
- v. Jones (47 Ind. 438) 1636, 1643, 1645, 1646, 1667
- v. Krenning (23 Mo. App. 561) 2529
- v. Labsap (188 Mo. 692; 87 S. W. 926) 211, 1216, 1261, 2634
- v. Lafayette (89 Ala. 641; 8 So. 30; 9 L. R. A. 497) 537, 1327, 2810
- v. Louisiana (103 U. S. 80) 583, 1516
- v. McCreary (101 Ala. 514; 14 So. 320) 1289, 1295
- v. McKean (1 Sumn. 276) 143, 748
- v. Melrose (184 Mass. 1; 67 N. E. 1060) 1228
- v. Milwaukee (128 Wis. 678; 106 N. W. 1099; 5 L. R. A. N. S. 680; 116 Am. St. Rep. 54) 1206, 1207, 2764
- v. Peterson (38 Wash. 599; 80 Pac. 849) 2487
- v. Portland (35 Oreg. 420; 58 Pac. 509) 1261, 1263, 2596, 2597, 2598
- v. Pullman's Pal. Car Co. (191 U. S. 171) 2331, 2332, 2346, 2347
- v. Sisson (66 Hun [N. Y.] 140; 20 N. Y. Supp. 971, aff'd 148 N. Y. 728; 42 N. E. 721) 777
- Allen v. State (21 Ga. 217; 68 Am. Dec. 457) 678
- v. Taunton (19 Pick. [Mass.] 485) 76, 77, 559, 560
- v. Turner (11 Gray [Mass.] 426) 2775
- v. Tyson-Jones Buggy Co. (91 Tex. 22; 40 S. W. 393, 714) 2327
- v. United States (22 App. D. C. 271) 2659
- v. Willard (57 Pa. 374) 3027
- v. Woods ([Ky.], 45 S. W. 106) 2526, 2629
- Allen & Currey Mfg. Co. v. Shreveport Waterworks Co. (113 La. 1091; 37 So. 980; 68 L. R. A. 650; 104 Am. St. Rep. 525) 2304
- Allenton v. Chichester (L. R. 10 C. P. 319) 3021
- Allentown v. Grim (109 Pa. St. 113) 911
- v. Henry (73 Pa. 404) 2224, 2555, 2556
- v. Hower (93 Pa. 332) 2485
- v. Kramer (73 Pa. St. 406) 2994, 3040
- v. Saeger (20 Pa. 421) 2828, 2829, 2830, 2835
- v. Wagner (27 Pa. Super. Ct. 485) 1566
- Aller v. Cameron (3 Dillon C. C. R. 198) 1435
- Allerton v. Chicago (6 Fed. Rep. 555) 999
- Alley v. Adam County (76 Ill. 101) 585
- v. Denson (8 Tex. 297) 655
- Allgeyer v. Louisiana (165 U. S. 578) 2354
- Allianca, The (56 Fed. Rep. 609) 504
- Alliance v. Campbell (6 Ohio Cir. Dec. 762) 2984
- v. Campbell (17 Ohio Cir. Ct. R. 595) 3016, 3031
- Alline v. LeMars (71 Iowa, 654; 33 N. W. 160) 2974, 3003
- Allison v. Corker (67 N. J. L. 596; 52 Atl. 362; 60 L. R. A. 564) 269, 291
- v. Juniata County (50 Pa. St. 351) 1293, 1309, 1318
- v. Louisville, H. C. & W. R. Co. (9 Bush [Ky.] 247) 232, 2770
- v. Louisville, H. C. & W. R. Co. (10 Bush [Ky.] 1) 571, 2317
- v. Richmond (51 Mo. App. 133) 1043, 2874
- v. Welde (172 N. Y. 421; 65 N. E. 263) 168, 169
- Allison Land Co. v. Tenaflly (68 N. J. L. 205; 52 Atl. 231) 2537
- Allor v. Wayne County Auditors (43 Mich. 76; 4 N. W. 492) 26, 163, 176



## TABLE OF CASES CITED

9

[References are to pages]

- Alloway v. Nashville* (88 Tenn. 510; 13 S. W. 123; 8 L. R. A. 123) 1634, 1674, 1675
- All Saints Church v. Lovett* (1 Hall [N. Y.] 191) 606
- All Saints Parish v. Brookline* (178 Mass. 404; 59 N. E. 1003; 52 L. R. A. 778) 2446
- Allston's Lessee v. Saunders* (1 Bay [S. Car.] 30) 1887
- Allwood v. Cowen* (111 Ill. 481) 2442
- Alma v. Clow* (146 Mich. 443; 109 N. W. 853) 972
- *v. Guaranty Sav. Bank* (60 Fed. Rep. 203) 895, 896
- Almand v. Atlanta Consolidated St. R. Co.* (108 Ga. 417; 34 S. E. 6) 1798, 1975
- Almy v. Church* (18 R. I. 182; 26 Atl. 58) 1897, 1903
- *v. Coggeshall* (19 R. I. 549; 36 Atl. 1124) 3045
- Alpena v. Alpena Cir. Judge* (97 Mich. 550; 56 N. W. 941) 2763, 2781
- *v. Kelly* (97 Mich. 550; 56 N. W. 941) 357
- Alpena City Water Co. v. Alpena* (130 Mich. 518; 90 N. W. 323) 2175, 2297
- Alpena Electric Light Co. v. Alpena* (130 Mich. 413; 90 N. W. 36) 2293
- Alpers v. Brown* (60 Cal. 447) 1029
- *v. San Francisco* (32 Fed. Rep. 503) 916, 1029, 2754
- Alsberge v. New York* (75 N. Y. App. Div. 360; 78 N. Y. Supp. 145) 744
- Alston v. State* (92 Ala. 124; 9 So. 732; 13 L. R. A. 659) 763, 764
- Altamont v. Baltimore & O. S. W. R. Co.* (184 Ill. 47; 56 N. E. 340) 898
- *v. Carter* (196 Ill. 286; 63 N. E. 613) 3001
- Altemus v. New York* (6 Duer [N. Y.] 446) 1225
- Alter v. Cincinnati* (56 Ohio St. 47; 46 N. E. 69; 35 L. R. A. 737) 1560
- *v. Simpson* (46 Mich. 138; 8 N. W. 724) 646
- Altgelt v. Campbell* ([Tex. Civ. App.], 78 S. W. 967) 1314, 2656
- *v. San Antonio* (81 Tex. 436; 17 S. W. 75; 13 L. R. A. 383) 2166, 2167
- Althen v. Kelly* (32 Minn. 280; 20 N. W. 188) 1819
- Altman v. Dubuque* (111 Iowa, 105; 82 N. W. 461) 910, 911
- Altnow v. Sibley* (30 Minn. 186; 14 N. W. 877; 44 Am. Rep. 191) 2855
- Alton v. English* (69 Ill. App. 197) 2999
- Alton v. Fishback* (181 Ill. 396; 55 N. E. 150) 1687, 1704
- *v. Foster* (207 Ill. 150; 69 N. E. 783, rev'g 106 Ill. App. 475) 1253
- *v. Foster* (74 Ill. App. 511) 986
- *v. Hope* (68 Ill. 167) 2839, 2926, 2997, 3041
- *v. Illinois Transp. Co.* (12 Ill. 38; 52 Am. Dec. 479) 1561, 1751, 1756, 1758, 1892
- *v. Kirsch* (68 Ill. 261) 978, 981
- *v. Madison County* (21 Ill. 115) 2824
- *v. Middleton's Heirs* (158 Ill. 442; 41 N. E. 926) 2452
- *v. Mulledy* (21 Ill. 76) 1172, 1185
- Alton & U. A. H. R. Co. v. Deitz* (50 Ill. 210; 99 Am. Dec. 509) 2082
- Altoona v. Lotz* (114 Pa. St. 238; 7 Atl. 240; 60 Am. Rep. 346) 3001
- *v. Morrison* (24 Pa. Super. Ct. 417) 2635
- Altoona St. R. Co. v. City Pass. R. Co.* (209 Pa. 282; 58 Atl. 1103) 1956, 1982
- Alves v. Henderson* (16 B. Mon. [Ky.] 131) 1583, 1758, 1898
- Alvord v. Ashley* (17 Ill. 363) 1706
- *v. Barrett* (16 Wis. 175) 767
- *v. Richmond* (3 Ohio N. P. 136) 2884
- *v. Syracuse Sav. Bank* (98 N. Y. 599) 1539, 2778
- Amboy v. Sleeper* (31 Ill. 499) 968
- Ambrose v. State* (6 Ind. 351) 971
- Ambrosini v. United States* (187 U. S. 1) 2436
- Amelung v. Seekamp* (9 Gill & J. [Md.] 468) 1789
- American Bank Note Co. v. New York Elev. R. Co.* (129 N. Y. 252; 29 N. E. 302) 1777, 1778, 1994, 2039, 2044, 2047, 2048
- American Bible Society v. Marshall* (15 Ohio St. 537) 1568
- American Bonding Co. v. Dickey* (74 Kan. 791; 88 Pac. 66) 1264
- American Bridge Co. v. Wheeler* (35 Wash. 40; 76 Pac. 534) 1287, 1314, 2660
- American Clock Co. v. Licking County Com'rs* (31 Ohio St. 415) 1212
- American Dock Co. v. Trustees of Public Schools* (39 N. J. Eq. 409, 445) 493
- American Emigrant Co v. Iowa R. Co.* (52 Iowa, 323; 3 N. W. 88) 1561
- American Express Co. v. Indiana* (165 U. S. 255) 2344
- *v. Iowa* (196 U. S. 133, rev'g 118 Iowa, 447; 92 N. W. 66) 2352

## TABLE OF CASES CITED

[References are to pages]

- American Harrow Co. *v.* Shaffer  
(68 Fed. Rep. 750) 2323, 2324
- American Hide & Leather Co. *v.*  
Chicago (203 Ill. 451; 67 N. E.  
979) 900, 1808, 2081, 2452
- American Ins. Co. *v.* Oakley (9  
Paige [N. Y.] 496; 38 Am. Dec.  
561) 1184
- American La France Eng. Co. *v.*  
Seymour ([N. J. L.], 74 Atl. 439)  
2677
- American Life Ins. Co. *v.* Bruce  
(105 U. S. 328) 1413, 1425, 1427,  
1438, 1461, 1471, 1487, 1490
- American Lighting Co. *v.* Public  
Service Corp. (132 Fed. Rep.  
794) 2207
- American Nic. Pav. Co. *v.* Eliza-  
beth City (4 Fisher Pat. Cas.  
189) 2866
- American Pav. Co. *v.* Wagner (139  
Pa. 623; 21 Atl. 160) 1198
- American Print Works *v.* Lawrence  
(23 N. J. L. 590; 57 Am. Dec.  
420, aff'g s. c. 23 N. J. L. 9; 21  
N. J. L. 248, 714) 766, 772, 2846
- American R. Frog Co. *v.* Haven  
(101 Mass. 398; 3 Am. Rep.  
377) 2707
- American Rapid Tel. Co. *v.* Hess  
(125 N. Y. 641; 26 N. E. 919; 13  
L. R. A. 454; 21 Am. St. Rep.  
764) 464, 1782, 1924, 2060, 2061,  
2069
- American Refrig. Transit Co. *v.*  
Hall (174 U. S. 70) 2347
- American Smelting & Refining Co.  
*v.* Colorado (204 U. S. 103, rev'g  
30 Colo. 275; 70 Pac. 413) 2354
- *v.* People (34 Colo. 240; 82  
Pac. 531) 2354, 2469
- American Steel & Wire Co. *v.*  
Speed (192 U. S. 500) 2319, 2336
- American Sugar Refining Co. *v.*  
Louisiana (179 U. S. 89) 2465, 2467,  
2468
- American Sunday School Un. *v.*  
Philadelphia (161 Pa. 307; 29  
Atl. 26; 23 L. R. A. 695) 2445
- American Surety Co. *v.* Lauber (22  
Ind. App. 326; 53 N. E. 793) 1266
- *v.* Thorn (9 Kan. App. 8; 57  
Pac. 237) 1267
- *v.* Waseca County (77 Minn.  
92; 79 N. W. 649) 1269
- American T. & T. Co. *v.* Jones (78  
Ill. App. 372) 1928
- American Transp. Co. *v.* Buffalo  
(20 N. Y. 381) 2458
- American Un. Exp. Co. *v.* St. Jo-  
seph (66 Mo. 675; 27 Am. Rep.  
382) 2386, 2387, 2468, 2470, 2472,  
2473
- American Waterworks Co. *v.*  
Farmers' Loan & Trust Co. (73  
Fed. Rep. 956) 2132
- American Water Works Co. *v.*  
State (46 Neb. 194; 64 N. W.  
711; 30 L. R. A. 447; 50 Am. St.  
Rep. 610) 2205, 2209, 2214
- Americus *v.* Eldridge (64 Ga. 524;  
37 Am. Rep. 89) 2918, 3050
- *v.* Perry (114 Ga. 871; 40 S.  
E. 1004; 57 L. R. A. 230) 158, 175,  
2763, 2770
- Amery *v.* Keokuk (72 Iowa, 701; 30  
N. W. 780) 2362, 2525
- Ames *v.* Kansas (111 U. S. 449) 2745
- *v.* Kirby (71 N. J. L. 442) 2348
- *v.* Lake Superior & Miss. R.  
Co. (21 Minn. 241) 1667, 1669
- *v.* People (25 Colo. 508; 55  
Pac. 725) 2325, 2337
- *v.* People (26 Colo. 83; 56  
Pac. 656) 23, 41
- *v.* Port Huron Log. Co. (11  
Mich. 139; 83 Am. Dec. 731) 556
- *v.* San Diego (101 Cal. 390;  
35 Pac. 1005) 1896
- *v.* Union Pac. R. Co. (64 Fed.  
Rep. 165) 2265
- Amesbury *v.* Bowditch M. F. Ins.  
Co. (6 Gray [Mass.] 596) 987
- Amey *v.* Allegheny City (24 How.  
[U. S.] 364) 345, 370, 583, 946, 949,  
1331, 1357, 1545, 2456
- Amherst College *v.* Amherst (173  
Mass. 232; 53 N. E. 815) 2446
- *v.* Amherst (193 Mass. 168;  
79 N. E. 248) 2446
- Amite City *v.* Clements (24 La.  
An. 27) 144, 147, 2483
- *v.* Holly (50 La. An. 627; 23  
So. 746) 1128
- Amos *v.* Fond du Lac (46 Wis. 695;  
1 N. W. 346) 3024
- Amoskeag Mfg. Co. *v.* Manchester  
(70 N. H. 336; 47 Atl. 74) 1321
- Amperse *v.* Kalamazoo (59 Mich.  
78; 26 N. W. 222, 409) 2658
- *v.* Winslow (75 Mich. 234; 42  
N. W. 823) 771
- Ampt *v.* Cincinnati (3 Ohio N. P.  
184) 1547
- *v.* Cincinnati (6 Ohio N. P.  
208) 1212
- *v.* Cincinnati (15 Ohio Dec.  
237) 2772
- Amrine *v.* Kansas Pac. R. Co. (7  
Kan. 178) 2790
- Amsterdam, Matter of (126 N. Y.  
158, 164; 27 N. E. 272) 2367
- Amy *v.* Des Moines County (11  
Wall. [U. S.] 136) 775, 777, 778, 2650,  
2694, 2695, 3054
- *v.* Dubuque (98 U. S. 470) 1398

# TABLE OF CASES CITED

11

[References are to pages]

<b>Amy v. Galena</b> (7 Fed. Rep. 163) 193, 1587	<b>Anderson v. Orient Fire Ins. Co.</b> (88 Iowa, 579; 55 N. W. 348) 438, 1454
— <b>v. Selma</b> (77 Ala. 103) 599, 604, 624	— <b>v. Public Schools</b> (122 Mo. 61; 27 S. W. 610) 1223
— <b>v. Shelby County Tax. Dist.</b> (114 U. S. 387) 1240, 2478	— <b>v. Ritterbusch</b> (22 Okla. 761; 98 Pac. 1002) 2442
— <b>v. Watertown</b> (130 U. S. 301) 597, 600, 723, 724, 1356, 1371, 2703	— <b>v. St. Louis</b> (47 Mo. 479) 1646, 1657, 2790
— <b>v. Watertown</b> (130 U. S. 320) 1888, 2703	— <b>v. Santa Anna</b> (116 U. S. 356) 232, 1405, 1406, 1407, 1408, 1525
<b>Anaheim v. Langenberger</b> (134 Cal. 608; 66 Pac. 855) 1740, 1744, 1748	— <b>v. Schubert</b> (55 Ill. App. 227) 2667
<b>Anchor Brewing Co. v. Dobbs Ferry</b> (84 Hun [N. Y.] 274; 32 N. Y. Supp. 371) 3044, 3045, 3052	— <b>v. State</b> (23 Miss. 459) 2444, 2775, 2852
<b>Ancrum v. Camden Water, L. &amp; I.</b> <b>Co.</b> (82 S. Car. 284; 64 S. E. 151; 21 L. R. A. n. s. 1029) 2302, 2304	— <b>v. State</b> (69 Neb. 686; 96 N. W. 149) 902, 1083
<b>Andel v. Duquesne St. R. Co.</b> (219 Pa. 635; 69 Atl. 278) 1990, 1991, 1993, 2729	— <b>v. Sullivan</b> (72 Minn. 126; 78 N. W. 8) 280
<b>Anderson, Matter of</b> (60 N. Y. 457) 907, 2608	— <b>v. Trenton</b> (42 N. J. L. 486, 487) 269, 274, 280, 281
— <b>Matter of</b> (109 N. Y. 554; 17 N. E. 209) 1157, 1161	— <b>v. Turbeville</b> (6 Coldw. [Tenn.] 150) 1841
— <b>In re</b> (178 N. Y. 416; 70 N. E. 921) 2923	— <b>v. Tuttle</b> (51 Fla. 380) 2065
— <b>Ex parte</b> (46 Tex. Crim. Rep. 372) 165	— <b>v. Wellington</b> (40 Kan. 173; 19 Pac. 719; 2 L. R. A. 110; 10 Am. St. Rep. 175) 449, 935, 1001
— <b>v. Albion</b> (64 Neb. 280; 89 N. W. 794) 2998, 3020	<b>Anderson County v. Beal</b> (113 U. S. 227) 1349, 1422, 1425, 1438, 1461, 1471, 1482, 1486, 1531
— <b>v. Berwyn</b> (135 Ill. App. 8) 2216	— <b>v. Houston &amp; G. N. R. Co.</b> (52 Tex. 228) 1422
— <b>v. Bitzer</b> ([Ky.], 49 S. W. 442) 2529	<b>Andes v. Ely</b> (158 U. S. 312) 1402, 1461, 1464, 1491, 1492
— <b>v. Blair</b> (118 Ga. 211; 45 S. E. 28) 682	<b>Andover v. Essex County</b> (5 Gray [Mass.] 393) 880
— <b>v. Camden</b> (58 N. J. L. 515; 33 Atl. 846) 906, 946	— <b>v. Grafton</b> (7 N. H. 298) 76, 1176
— <b>v. Commonwealth</b> (14 Bush [Ky.] 171) 128	— <b>v. Sutton</b> (12 Met. [Mass.] 182) 1834
— <b>v. Commonwealth</b> (100 Va. 860; 42 S. E. 865) 441	<b>Andover &amp; M. Turnp. Co. v. Gould</b> (6 Mass. 40; 4 Am. Dec. 80) 1823, 2935
— <b>v. East</b> (117 Ind. 126; 19 N. E. 726; 2 L. R. A. 712; 10 Am. St. Rep. 35) 2838, 2841, 2988	<b>Andre v. Burlington</b> (141 Iowa, 65; 117 N. W. 1082) 2525, 2617
— <b>v. Fuller</b> (51 Fla. 380; 41 So. 684; 6 L. R. A. n. s. 1026; 120 Am. St. Rep. 170) 1197, 1262, 2763	<b>Andreas v. Bergen County Gas &amp; Elect. Co.</b> (61 N. J. Eq. 69; 47 Atl. 555) 1914, 1915
— <b>v. Hamilton County</b> (12 Ohio St. 635) 882	<b>Andrews v. Biddeford Police Board</b> (94 Me. 68; 46 Atl. 801) 792, 799
— <b>v. Issaquena County</b> (75 Miss. 873; 23 So. 310) 1286, 1318	— <b>v. Boylston</b> (110 Mass. 214) 881, 882
— <b>v. Kern's Draining Co.</b> (14 Ind. 199; 77 Am. Dec. 63) 998, 1637	— <b>v. King</b> (77 Me. 224) 808, 810, 812
— <b>v. Lower Merion</b> (217 Pa. 369; 66 Atl. 1115) 1814, 2503, 2616	— <b>v. McCook School Dist.</b> (49 Neb. 420; 68 N. W. 631) 1285
— <b>v. Milwaukee</b> (113 Wis. 1; 88 N. W. 905) 731	— <b>v. National Foundry &amp; Pipe Works</b> (18 U. S. App. 458) 69, 454, 1915
— <b>v. Myers</b> (77 N. J. L. 186; 71 Atl. 139) 2732	— <b>v. Nat. Foundry &amp; Pipe Works</b> (61 Fed. Rep. 782) 449, 2130
— <b>v. O'Connor</b> (98 Ind. 168) 458	— <b>v. People</b> (173 Ill. 123; 50 N. E. 335) 2623
— <b>v. O'Donnell</b> (29 S. Car. 355; 7 S. E. 523; 1 L. R. A. 632; 13 Am. St. R. 728) 972, 1128	— <b>v. Portland</b> (79 Me. 484; 10 Atl. 458; 10 Am. St. Rep. 280) 745, 747

## TABLE OF CASES CITED

[References are to pages]

- Andrews v. Pratt (44 Cal. 309) 740, 1582  
 — v. State (3 Heisk. [Tenn.] 165; 8 Am. Rep. 8) 1001  
 — v. Steele City ([Neb.], 89 N. W. Rep. 739) 3052  
 — v. Union M. F. Ins. Co. (37 Me. 256) 922  
 — v. United States (2 Story C. C. 202) 733, 739  
 — v. Youmans (78 Wis. 56; 47 N. W. 304) 1716  
 Angel v. Hume (17 Hun [N. Y.] 374) 1538  
 Angell v. Cass County (11 N. Dak. 265; 91 N. W. 72) 265, 275, 278, 325, 332  
 Anglo-American Provision Co. v. Davis Prov. Co. (169 N. Y. 506; 62 N. E. 587) 2353  
 Anisfield Co. v. Grossman (98 Ill. App. 180) 1788, 1790, 1878, 1879  
 Anna v. Boren (77 Ill. App. 408) 3020  
 — v. O'Callahan (3 Ill. App. 176) 1144  
 Annapolis v. Harwood (32 Md. 471) 2401, 2483  
 — v. State (30 Md. 212) 137  
 Anne Arundel County v. Duckett (20 Md. 468; 83 Am. Dec. 557) 770, 918, 2656, 2994  
 — v. Duvall (54 Md. 350, 355; 39 Am. Rep. 393) 770  
 Anness v. Providence (13 R. I. 17) 2925  
 Annie Wright Seminary v. Tacoma (23 Wash. 109; 62 Pac. 444) 2600  
 Anniston, *Ex parte* (84 Ala. 21; 3 So. 910) 961  
 — *Ex parte* (90 Ala. 516; 7 So. 779) 921, 1001  
 — v. Hurt (140 Ala. 394; 37 So. 220) 2695  
 — v. Southern R. Co. (112 Ala. 557; 20 So. 915) 2339, 2476, 2481, 2482  
 Anoka Water Works, etc. Co. v. Anoka (109 Fed. Rep. 580) 362, 2130, 2131, 2153  
 Anonymous (1 Barnard. 402) 886  
 Ansley v. Wilson (50 Ga. 418) 2485  
 Anthony v. Adams (1 Met. [Mass.] 284) 75, 76, 1296, 2869, 2872, 2874, 2916  
 — v. Brecon Markets Co. (L. R. 2 Ex. 167, rev'd L. R. 7 Ex. 399) 1036  
 — v. Halderman (7 Kan. 50) 650  
 — v. Jasper County (101 U. S. 693) 1356, 1370, 1371, 1372, 1413, 1420, 1477, 1478, 1479, 1517, 1520, 1522  
 Anthony Avenue, Matter of (46 N. Y. Misc. 525; 95 N. Y. Supp. 77, aff'd 124 N. Y. App. Div. 940; 109 N. Y. Supp. 1123) 2592  
 Anthony Street (20 Wend. [N. Y.] 618; 32 Am. Dec. 608) 1651, 1653  
 Antones v. Eslava's Heirs (9 Port. [Ala.] 527) 1694, 1698, 1755  
 Antoni v. Greenhow (107 U. S. 769) 2438, 2479  
 Apache County v. Barth (177 U. S. 538) 1294, 1351  
 App v. Stockton (61 N. J. L. 520; 39 Atl. 921) 2586, 2596, 2602  
 Appeal Tax Court v. Gill (50 Md. 377) 2438  
 — v. No. Cent. Ry. (50 Md. 417) 2423  
 — v. Patterson (50 Md. 354, aff'd 104 U. S. 592) 2438  
 Appel v. State (9 Wyo. 187; 61 Pac. 1015) 1294, 1314, 1316  
 Appleby v. New York (15 How. Pr. [N. Y.] 428) 1180, 1197  
 Applegarth v. State (89 Md. 140; 42 Atl. 941) 2468  
 Applegate v. Ernst (3 Bush [Ky.] 648; 96 Am. Dec. 272) 2423  
 Appleton v. Newton (178 Mass. 276; 59 N. E. 648) 1649, 1650  
 Appleton Waterworks Co. v. Appleton (116 Wis. 363; 93 N. W. 262) 271, 294, 298, 1381  
 — v. Appleton (132 Wis. 563; 113 N. W. 44) 1185, 2298  
 — v. Appleton (136 Wis. 395; 117 N. W. 816) 2822  
 Arapahoe County v. Denver (30 Colo. 13; 69 Pac. 586) 1903  
 Arapahoe Village v. Albee (24 Neb. 242; 38 N. W. 737; 8 Am. St. Rep. 202) 1888  
 Arbegust v. Louisville (2 Bush [Ky.] 271) 2428  
 Arbrush v. Oakdale (28 Minn. 61; 9 N. W. 30) 1679  
 Arbuckle v. McKinney ([Ky.], 97 S. W. 408) 1383  
 Archer v. Johnson City ([Tenn.], 64 S. W. 474) 2960  
 — v. Mt. Vernon (57 N. Y. App. Div. 32; 67 N. Y. Supp. 1040) 2960, 3014  
 — v. Mt. Vernon (63 N. Y. App. Div. 286; 71 N. Y. Supp. 571) 2451  
 — v. Salinas City (93 Cal. 43; 28 Pac. 839; 16 L. R. A. 145) 1689, 1719, 1720, 1727, 1741, 1747, 1748  
 Ardrey v. Dallas (13 Tex. Civ. App. 442; 35 S. W. 726) 2451  
 Arents v. Commonwealth (18 Gratt. [Va.] 750) 1546, 1547  
 Arey v. Lindsey (103 Va. 250; 48 S. E. 889) 298  
 Argenti v. San Francisco (16 Cal. 256) 453, 549, 1157, 1170, 1182, 1186, 1188, 1225, 1251, 1665

## TABLE OF CASES CITED

13

[References are to pages]

- Argentine v. Atchison T. & S. F. R. Co.* (55 Kan. 730; 41 Pac. 946; 30 L. R. A. 255) 1832, 2063  
 — *v. Daggett* (53 Kan. 491; 37 Pac. 14) 1238  
*Argus Co. v. Albany* (55 N. Y. 495; 14 Am. Rep. 296) 1171  
*Arimond v. Green Bay & Miss. Canal Co.* (31 Wis. 316) 2935, 3042, 3043  
*Arkadelphia v. Windham* (49 Ark. 139; 4 S. W. 450; 4 Am. St. Rep. 32) 2953, 2957  
*Arkadelphia Lumber Co. v. Arkadelphia* (56 Ark. 370; 19 S. W. 1053) 2462  
*Arkansas Railroad Rates, In re* (168 Fed. Rep. 720) 2263  
*Arkansas River Packet Co. v. Sorrels* (50 Ark. 466; 8 S. W. 683) 1758, 1759  
*Arkansas Valley Smelting Co. v. Belden Mining Co.* (127 U. S. 379) 1276  
*Arkle v. Board of Com'rs* (41 W. Va. 471; 23 S. E. 804) 785  
*Arkwright v. Cantrell* (7 Ad. & E. 565) 726  
*Arlington v. Merrick* (2 Saund. 403) 683  
*Armatage v. Fisher* (74 Hun [N. Y.] 167; 26 N. Y. Supp. 364) 791, 893  
*Arment v. Yamhill County* (28 Oreg. 474; 43 Pac. 653) 1250  
*Armington v. Barnet* (15 Vt. 745; 40 Am. Dec. 705) 1604  
*Armistead v. Vicksburg, S. & P. R. Co.* (47 La. An. 1381; 17 So. 888) 1725  
*Armour Bros. Banking Co. v. Finney County* (41 Fed. Rep. 321) 654, 1384  
*Armour Packing Co. v. Augusta* (118 Ga. 552; 45 S. E. 424; 98 Am. St. Rep. 128) 2415  
 — *v. Edison Elect. Ill. Co.* (115 N. Y. App. Div. 51; 100 N. Y. Supp. 605) 2205, 2211  
 — *v. Lacy* (200 U. S. 226, aff'g 134 N. Car. 567; 47 S. E. 53) 2331, 2332, 2465, 2524  
*Armour Packing Co. v. Metropolitan Water Co.* (130 Fed. Rep. 851) 2149, 2237  
*Arms v. Ayer* (192 Ill. 601; 61 N. E. 851; 58 L. R. A. 277; 85 Am. St. Rep. 357) 258, 1071  
*Armstrong v. Ackley* (71 Iowa, 76; 32 N. W. 180) 3017  
 — *v. Brown* (106 Ky. 81; 50 S. W. 17; 90 Am. St. Rep. 207) 957  
 — *v. Brunswick* (79 Mo. 319) 2839  
*Armstrong v. Commissioners* (4 Blackf. [Ind.] 208) 144  
 — *v. Dalton* (4 Dev. Law [N. Car.] 568) 1888  
 — *v. Ft. Edward* (159 N. Y. 315; 53 N. E. 1116, rev'g 84 Hun [N. Y.] 261; 32 N. Y. Supp. 433) 1399, 1400  
 — *v. Grant* (56 Hun [N. Y.] 226; 9 N. Y. Supp. 388) 2778, 2780  
 — *v. Murphy* (65 N. Y. App. Div. 123; 72 N. Y. Supp. 473) 938, 2658  
 — *v. Ogden City* (11 Utah, 476; 43 Pac. 118) 2827  
 — *v. St. Louis* (69 Mo. 309; 33 Am. Rep. 499) 1657  
 — *v. St. Mary's* (21 Ohio Cir. Ct. 16) 1689  
 — *v. St. Paul* (30 Minn. 299; 15 N. W. 174) 2928, 2932  
 — *v. Taylor County Ct.* (54 W. Va. 502; 46 S. E. 131) 2082  
 — *v. Topeka* (36 Kan. 432; 13 Pac. 843) 1704  
 — *v. Whitehead* (67 N. J. L. 405; 51 Atl. 472) 844  
*Armstrong County v. Brinton* (47 Pa. St. 367) 573  
 — *v. Clarion County* (66 Pa. 218; 5 Am. Rep. 368) 2825  
*Armsworth v. Southeastern R. Co.* (11 Jur. 758) 3005  
*Arn v. Kansas City* (15 Fed. Rep. 236) 3045  
*Arnd v. Union Pac. R. Co.* (120 Fed. Rep. 912) 2408, 2426, 2430  
*Arndt v. Cullman* (132 Ala. 540; 31 So. 478; 90 Am. St. Rep. 922) 3043, 3051, 3052  
*Arnold v. Blaker* (L. R. 6 Q. B. 433) 1696  
 — *v. Cambridge* (106 Mass. 352) 2585, 2791  
 — *v. Campbell* (3 Ind. T. 550; 64 S. W. 532) 440  
 — *v. Covington & Cinc. Br. Co.* (1 Duvall [Ky.] 372) 1632, 1682  
 — *v. Elmore* (16 Wis. 509) 489  
 — *v. Fort Dodge* (111 Iowa, 152; 82 N. W. 495) 1212  
 — *v. Holbrook* (L. R. 8 Q. B. 96) 1036, 1696, 2974  
 — *v. Knoxville* (115 Tenn. 195; 90 S. W. 469; 3 L. R. A. N. s. 837) 2503, 2504, 2565, 2566  
 — *v. Mundy* (6 N. J. L. 1; 10 Am. Dec. 356) 493, 495  
 — *v. Orange* (73 N. J. Eq. 280; 66 Atl. 1052) 1724, 1730  
 — *v. Pawtucket* (21 R. I. 15; 41 Atl. 576) 2133, 2233  
 — *v. Poole* (4 M. & G. 860) 565



[References are to pages]

- Arnold *v.* Shields (5 Dana [Ky.] 18; 30 Am. Dec. 669) 1657, 2800  
 — *v.* Stanford (113 Ky. 852; 69 S. W. 726) 2842, 2898  
 — *v.* State (77 Miss. 463; 27 So. 596; 78 Am. St. Rep. 533) 763  
 — *v.* Volkman (123 Wis. 54; 101 N. W. 158) 1903  
 Arnot *v.* McClure (4 Denio [N. Y.] 45) 1648  
 Arnott *v.* Bradley (23 Up. Can. C. P. 1) 676  
 — *v.* Spokane (6 Wash. 442; 33 Pac. 1063) 1170, 1190, 1191, 1192, 1194, 1287, 1361  
 Arnoult *v.* New Orleans (11 La. An. 54) 137, 618  
 Aroma *v.* Auditor (15 Fed. Rep. 843) 1420  
 Aron *v.* Wausau (98 Wis. 592; 74 N. W. 354; 40 L. R. A. 497) 2851  
 Arrowsmith *v.* New Orleans (24 La. An. 194) 1695, 1716, 1717  
 Arthur *v.* Charleston (51 W. Va. 132; 41 S. E. 171) 2962  
 Asbell *v.* Kansas (209 U. S. 251) 2339  
 Asberry *v.* Roanoke (91 Va. 562; 22 S. E. 360; 42 L. R. A. 636) 2595  
 Asbury Park *v.* Hawxhurst (67 N. J. L. 582; 52 Atl. 694) 1793  
 Asbury Park & S. G. R. Co. *v.* Neptune (73 N. J. Eq. 323; 67 Atl. 790) 1948, 1953, 1957, 1985, 2238  
 Aschoff *v.* Evansville (34 Ind. App. 25; 72 N. E. 279) 182, 2301, 2845, 2910  
 Ash *v.* Independence (79 Mo. App. 70) 1259  
 — *v.* McVey (85 Md. 119; 36 Atl. 440) 717  
 — *v.* People (11 Mich. 347; 83 Am. Dec. 740) 519, 996, 998, 1073, 1076, 1077  
 — *v.* Thorp (65 Kan. 60; 68 Pac. 1067) 334  
 Ashbrook *v.* Commonwealth (1 Bush [Ky.] 139; 89 Am. Dec. 616) 560, 1039  
 — *v.* Schaub (160 Mo. 107; 60 S. W. 1085) 335  
 Ashbury R. Carriage & Iron Co. *v.* Riche (L. R. 7 E. & I. App. C. 653) 1191  
 Ashby *v.* White (1 Smith's L. Cas. 264) 1611  
 — *v.* White (2 Ld. Raym. 938) 774  
 Ashe *v.* Harris County (55 Tex. 49) 1318  
 Asher *v.* Hutchinson Water, Light & Power Co. (66 Kan. 496; 71 Pac. 813; 61 L. R. A. 52) 2207  
 Asher *v.* Texas (128 U. S. 129) 2326, 2330, 2331, 2474  
 Asheville *v.* Means (7 Ired. L. [N. Car.] 406) 1103, 2399, 2400  
 — *v.* Webb (134 N. Car. 72; 46 S. E. 19) 1381  
 Ashland *v.* Chicago & N. W. R. Co. (105 Wis. 398; 80 N. W. 1101) 1689, 1736, 1744, 1764, 1837, 1838, 1903  
 — *v.* Culbertson (103 Ky. 161; 44 S. W. 441) 430, 1380, 1384  
 — *v.* Northern Pac. R. Co. (119 Wis. 204; 96 N. W. 688) 1903  
 — *v.* Wheeler (88 Wis. 607; 60 N. W. 818) 345, 920, 2137, 2177  
 Ashland Lumber Co. *v.* Detroit Salt Co. (114 Wis. 66; 89 N. W. 904) 2353  
 Ashley *v.* Port Huron (35 Mich. 296; 24 Am. Rep. 552) 2874, 2920, 2935, 3041, 3042, 3051  
 — *v.* Presque Isle County Sup. (16 U. S. App. 656; 60 Fed. Rep. 55) 121, 122, 123, 443, 1238, 1356, 1503, 1505  
 — *v.* Reynolds (2 Stra. 916) 2829  
 — *v.* Ryan (153 U. S. 436) 1905, 2353  
 — *v.* Toledo (13 Ohio Cir. Ct. 1) 1687  
 Ashton *v.* Ellsworth (48 Ill. 299) 901, 955  
 — *v.* Rochester (133 N. Y. 187; 30 N. E. 965; 31 N. E. 334; 28 Am. St. Rep. 619) 1157  
 Ashuelot Nat. Bank *v.* Lyon County (81 Fed. Rep. 127) 397  
 Ashuelot Nat. Bank of Keene *v.* School Dist. (56 Fed. Rep. 197, aff'g 41 Fed. Rep. 514) 1335, 1337  
 Ashwell *v.* Bullock (122 Mich. 620; 81 N. W. 577) 2669  
 Asken *v.* Manning (38 Up. Can. Q. B. 345) 2732  
 Askew *v.* Hale County (54 Ala. 639; 25 Am. Rep. 730) 63, 65, 183, 2856, 2950  
 Askin *v.* London (1 Upper Can. Q. B. 292) 732  
 Aslen *v.* Charlotte (54 N. Y. Supp. 754; 35 N. Y. App. Div. 625) 3017  
 Aspen *v.* Aspen Town & L. Co. (10 Colo. 191; 15 Pac. 794; 16 Pac. 160) 2647  
 Asphalt & G. Const. Co. *v.* Hauessler (201 Mo. 400; 100 S. W. 14) 923  
 Aspinwall *v.* Boston (191 Mass. 441; 78 N. E. 103) 1807, 2627  
 — *v.* Daviess County (22 How. [U. S.] 364) 195, 575, 581, 1436, 1479, 1508, 1512, 1531, 1543, 2403, 2681  
 — *v.* Knox County (21 How. [U. S.] 539) 1537  
 Assaria *v.* Wells (68 Kan. 787; 75 Pac. 1026) 952, 953

## TABLE OF CASES CITED

15

[References are to pages]

<b>Assessors v. Commissioners</b> (3 Brews. [Pa.] 333) 583	<b>Atchison, T. &amp; S. F. R. Co. v. Howe</b> (32 Kan. 737; 5 Pac. 397) 2377
<b>Aston v. McClure</b> (102 Pa. 322) 3034	— <b>v. Maegerlein</b> (114 Ill. App. 222) 2018
— <b>v. Newton</b> (134 Mass. 507; 45 Am. Rep. 347) 2974	— <b>v. Osage County</b> (48 Kan. 576; 29 Pac. 1084) 1616
<b>Astor, In re</b> (50 N. Y. 363) 138	— <b>v. Patch</b> (28 Kan. 470) 1846
— <b>v. New York</b> (62 N. Y. 567) 153, 169, 170, 467, 848	— <b>v. Peterson</b> (5 Kan. App. 103; 48 Pac. 877, aff'd 58 Kan. 818; 51 Pac. 290) 2315, 2397, 2576, 2587, 2593, 2617
— <b>v. New York</b> (62 N. Y. 580) 467, 1810	— <b>v. Wilson</b> (33 Kan. 223; 6 Pac. 281) 121
— <b>v. New York Arcade R. Co.</b> (113 N. Y. 93; 20 N. E. 594; 2 L. R. A. 789) 138, 1940, 1941	<b>Athearn v. Millersburg Indep. Dis-</b> <b>trict</b> (33 Iowa, 105) 885
<b>Astoria Heights Land Co. v. New</b> <b>York</b> (179 N. Y. 579; 72 N. E. 1139) 2838	<b>Athens v. Burkett</b> ([Tenn. Ch. App.], 59 S. W. 404) 1709, 1743
— <b>v. New York</b> (89 N. Y. App. Div. 512; 86 N. Y. Supp. 651) 2929	— <b>v. Carnak</b> (75 Ga. 429) 1235
<b>Atascosa County v. Angus</b> (83 Tex. 202; 18 S. W. 563; 29 Am. St. Rep. 637) 1588	— <b>v. Georgia R. R.</b> (72 Ga. 800) 965
<b>Atcheson v. Mallon</b> (43 N. Y. 147; 3 Am. Rep. 678) 1165, 1166, 1168	<b>Athens Terminal Co. v. Athens</b> <b>Foundry &amp; Machine Works</b> (129 Ga. 393; 58 S. E. 891) 1614, 1974, 1975, 2013, 2015
<b>Atchison v. Acheson</b> (9 Kan. App. 33; 57 Pac. 248) 3004, 3020	<b>Atkin v. Kansas</b> (191 U. S. 207) 143, 154, 209
— <b>v. Bartholow</b> (4 Kan. 124) 129, 131, 233	— <b>v. Wyandotte Coal &amp; L. Co.</b> (73 Kan. 768; 84 Pac. 1040) 1152, 1263
— <b>v. Butcher</b> (3 Kan. 104) 126, 232, 580, 1401, 1439	<b>Atkins v. Phillips</b> (26 Fla. 281; 8 So. 429; 10 L. R. A. 158) 907, 955, 1004, 2462
— <b>v. Byrnes</b> (22 Kan. 65) 1252, 1254	— <b>v. Randolph</b> (31 Vt. 226) 198, 199, 2654
— <b>v. Challiss</b> (9 Kan. 603) 3040, 3047, 3050, 3057	<b>Atkinson v. Chatham</b> (26 Ont. App. [Can.] 521) 2960
— <b>v. Jansen</b> (21 Kan. 560) 2950, 2984, 2998	— <b>v. Fisher</b> ([Neb.], 93 N. W. 211) 2999
— <b>v. King</b> (9 Kan. 550) 948, 2968, 2993, 3003, 3012	— <b>v. Goodrich Transportation</b> <b>Co.</b> (60 Wis. 141; 18 N. W. 764; 50 Am. Rep. 352) 925
— <b>v. Mayhood</b> (69 Kan. 672; 77 Pac. 549) 2975	— <b>v. Great Falls</b> (16 Mont. 372; 40 Pac. 877) 368
— <b>v. Owensboro</b> (114 Ky. 706; 71 S. W. 864) 674	— <b>v. Marietta, etc. R. Co.</b> (15 Ohio St. 21) 131, 242
— <b>v. State</b> (34 Kan. 379; 8 Pac. 367) 2783, 2833	— <b>v. Newcastle &amp; G. Water-</b> <b>works Co.</b> (L. R. 2 Exch. Div. 441, rev'g L. R. 6 Exch. 404) 2302, 2303
— <b>v. Twine</b> (9 Kan. 350) 2850	— <b>v. Newton</b> (169 Mass. 240; 47 N. E. 1029) 1632, 2627
<b>Atchison &amp; N. R. Co. v. Boerner</b> (34 Neb. 240; 51 N. W. 842; 33 Am. St. Rep. 637) 2015	— <b>v. Wykoff</b> (58 Mo. App. 86) 1838
— <b>v. Garside</b> (10 Kan. 552) 1972, 2000, 2012	<b>Atlanta v. Buchanan</b> (76 Ga. 585) 2951
— <b>v. Maquilkilon</b> (12 Kan. 301) 232	— <b>v. Burton</b> (90 Ga. 486; 16 S. E. 214) 2218, 2219
<b>Atchison Board of Education v.</b> <b>DeKay</b> (148 U. S. 591) 896, 1335, 1396, 1486	— <b>v. Central R. &amp; B. Co.</b> (53 Ga. 120) 1614, 1634
<b>Atchison St. R. Co. v. Missouri</b> <b>Pac. R. Co.</b> (31 Kan. 661; 3 Pac. 284) 1933	— <b>v. Champe</b> (66 Ga. 659) 2984
— <b>v. Nave</b> (38 Kan. 744; 17 Pac. 587; 5 Am. St. Rep. 800) 1959, 2083	— <b>v. First Presb. Church</b> (86 Ga. 730; 13 S. E. 252; 12 L. R. A. 852) 2432, 2572, 2575
<b>Atchison, T. &amp; S. F. R. Co. v. Da-</b> <b>vidson</b> (52 Kan. 739; 35 Pac. 787) 1846	— <b>v. Gabbett</b> (93 Ga. 266; 20 S. E. 306) 2609
— <b>v. General Electric R. Co.</b> (112 Fed. Rep. 689) 1982, 2016, 2017	



## TABLE OF CASES CITED

[References are to pages]

- Atlanta *v.* Gate City Gas L. Co.  
 (71 Ga. 106) 965, 991, 1782, 2062  
 — *v.* Gate City St. R. Co. (80  
 Ga. 276; 4 S. E. 269) 2530  
 — *v.* Green (69 Ga. 386) 2925, 2944  
 — *v.* Hamlein (96 Ga. 381; 23 S.  
 E. 408) 2530, 2535  
 — *v.* Holliday (96 Ga. 546; 23 S.  
 E. 509) 1096, 1097  
 — *v.* Jacobs (125 Ga. 523; 54 S.  
 E. 534) 990, 2476  
 — *v.* Macon & W. R. Co. (59  
 Ga. 251) 2749  
 — *v.* Milam (95 Ga. 135; 22 S.  
 E. 43) 2991  
 — *v.* Perdue (53 Ga. 607) 2984, 3019,  
 3020  
 — *v.* Stein (111 Ga. 789; 36 S. E.  
 932; 51 L. R. A. 335) 211, 1215, 1216  
 — *v.* White (33 Ga. 229) 1073  
 — *v.* Wilson (59 Ga. 544; 27 Am.  
 Rep. 396) 2965  
 — *v.* Wright (119 Ga. 207; 45 S.  
 E. 994) 2656  
 Atlanta & W. P. R. Co. *v.* Atlanta  
 B. & A. R. Co. (125 Ga. 529; 54  
 S. E. 736) 2013  
 Atlanta R. & P. Co. *v.* Atlanta R.  
 T. Co. (113 Ga. 481; 39 S. E. 12)  
 1992  
 Atlantic & B. R. Co. *v.* Cordele  
 (128 Ga. 293; 57 S. E. 493) 2064  
 Atlantic & G. R. Co. *v.* Georgia (98  
 U. S. 359) 2449, 2450  
 Atlantic & Pac. R. Co. *v.* Cleino (2  
 Dillon C. C. R. 175) 2444, 2788  
 — *v.* St. Louis (66 Mo. 228) 2083  
 Atlantic & P. Tel. Co. *v.* Philadel-  
 phia (190 U. S. 160) 942, 1003, 1004,  
 1924, 2074, 2076, 2330, 2331, 2333,  
 2342  
 Atlantic City *v.* Abbott (73 N. J.  
 L. 281; 62 Atl. 999) 1023, 1025  
 — *v.* Crandol (67 N. J. L. 488;  
 51 Atl. 447) 955  
 — *v.* France (74 N. J. L. 389; 65  
 Atl. 894) 955, 1054  
 — *v.* Groff (64 N. J. L. 527; 45  
 Atl. 916) 1730, 1739, 1743  
 — *v.* Snee (68 N. J. L. 39; 52  
 Atl. 372) 1730, 1736  
 Atlantic City R. Co., *In re* (164  
 U. S. 633) 2652  
 Atlantic City Water Co. *v.* Con-  
 sumers' Water Co. (51 N. J. L.  
 420; 17 Atl. 824) 2139  
 Atlantic City Water Works Co. *v.*  
 Atlantic City (48 N. J. L. 378;  
 6 Atl. 24) 2152, 2153  
 — *v.* Atlantic City (39 N. J. Eq.  
 367) 1139, 1911, 1920, 1922, 2162  
 — *v.* Consumers' Water Co. (44  
 N. J. Eq. 427; 15 Atl. 581) 2062, 2162  
 Atlantic City Water Works Co. *v.*  
 Read (50 N. J. L. 665; 15 Atl. 10) 1178  
 Atlantic Coast El. R. Co. *v.* Griffin  
 (64 N. J. L. 513; 46 Atl. 1062) 1799  
 Atlantic Dock Co. *v.* Wenberg (9  
 Ben. 464) 504  
 Atlantic Express Co. *v.* Wilming-  
 ton & W. R. Co. (111 N. Car.  
 463; 16 S. E. 393; 18 L. R. A.  
 393; 32 Am. St. Rep. 805) 2231  
 Atlantic Mich. F. Ins. Co. *v.* Sand-  
 ers (36 N. H. 252) 864  
 Atlantic Trust Co. *v.* Darlington  
 (63 Fed. Rep. 76) 403, 405  
 Atlee *v.* Union Packet Co. (21  
 Wall. [U. S.] 389, 393) 489  
 Attala County *v.* Grant (17 Miss.  
 77; 47 Am. Dec. 102) 2675, 2722  
 — *v.* Kelly (68 Miss. 40; 8 So.  
 376) 2382, 2383  
 Attaway *v.* Cartersville (68 Ga.  
 740) 2884  
 Attica Bridge & Mach. Works *v.*  
 Johnson (29 Ind. App. 257; 64  
 N. E. 474) 1271  
 Attorney-General, Matter of (124  
 N. Y. App. Div. 401; 108 N. Y.  
 Supp. 823) 1991  
 — *v.* Abbott (154 Mass. 323; 28  
 N. E. 346; 13 L. R. A. 251) 1699,  
 1723, 1725, 1726  
 — *v.* Acton Local Bd. (L. R. 22  
 Ch. Div. 221) 3048  
 — *v.* Anglesea (58 N. J. L. 372;  
 33 Atl. 971) 307  
 — *v.* Aspinwall (2 Mylne & Cr.  
 613) 566, 650, 1135, 2757  
 — *v.* Benzie (34 Mich. 211) 554  
 — *v.* Birmingham (4 K. & J.  
 528) 1041  
 — *v.* Birmingham (3 L. R. Eq.  
 552) 2759  
 — *v.* Birmingham & O. J. R. Co.  
 (4 De G. & Sm. 490; 3 Macn. &  
 Gord. 453) 2775  
 — *v.* Bolger (128 Mich. 355; 87  
 N. W. 366) 176, 666  
 — *v.* Boston (123 Mass. 460) 2644,  
 2646, 2663, 2707, 2708, 2711, 2712,  
 2713, 2738, 2739, 2750, 2756, 2762,  
 2774  
 — *v.* Boston (142 Mass. 200; 7  
 N. E. 722) 1003, 1808, 1814, 1848  
 — *v.* Boston (186] Mass. 209; 71  
 N. E. 574) 1808  
 — *v.* Boston & L. R. Co. (118  
 Mass. 345) 486, 501  
 — *v.* Boulton (21 Brant [Can.]  
 598) 1712  
 — *v.* Bowman (2 B. & P. 532) 1129  
 — *v.* Bradford (L. R. 2 Eq. 71) 1041  
 — *v.* Bradley (36 Mich. 447) 137, 619  
 — *v.* Brown (24 N. J. Eq. 89) 1043

# TABLE OF CASES CITED

17

[References are to pages]

Attorney-General v. Brown (1 Swanst. 265)	2759	Attorney-General v. Gas Consumers Co. (19 Eng. Law & Eq. 639)	1043
— v. Bytown & Nepean Road Co. (2 Grant [Canada] R. 626)	1793	— v. Gooderich (5 Grant [Can.] Rep. 402)	1712, 1762
— v. Cahill (169 Mass. 18; 47 N. E. 433)	788	— v. Gower (9 Mod. 226)	592
— v. Cambridge (16 Gray [Mass.] 247)	1991	— v. Hackney Local Board (L. R. 20 Eq. 626)	3045
— v. Cambridge (119 Mass. 518)	486	— v. Heelis (2 Sim. & St. 67)	2756, 2759
— v. Cape Fear Nav. Co. (2 Iredell Eq. [N. Car.] 444)	1317	— v. Heishon (18 N. J. Eq. 410)	1784, 1785, 1787
— v. Chicago & N. W. R. (35 Wis. 425)	129	— v. Holihan (29 Mich. 116)	26, 619
— v. Cogshall (107 Mich. 181; 65 N. W. 2)	163	— v. Hudson County Water Co. (70 N. J. Eq. 695)	1635
— v. Colney, etc. (L. R. 4 Ch. 146)	1041	— v. Jamaica Pond Aqueduct Co. (133 Mass. 361)	1991
— v. Crocker (138 Mass. 214)	1370	— v. Jochim (99 Mich. 358; 58 N. W. 611; 23 L. R. A. 699; 41 Am. St. Rep. 606)	785
— v. Davis (44 Mo. 131)	790	— v. Kalkaska & Antrim Counties (120 Mich. 357; 79 N. W. 567)	2661
— v. Detroit (26 Mich. 263)	1212, 2761, 2762	— v. Kerr (2 Beav. 420)	607
— v. Detroit (29 Mich. 108)	26	— v. Lake Co. (33 Mich. 289)	553
— v. Detroit (41 Mich. 224; 2 N. W. 25)	1210	— v. Lathrop (24 Mich. 235)	163, 1195
— v. Detroit (55 Mich. 181; 20 N. W. 894)	1171, 2131	— v. Leeds (L. R. 5 Ch. App. 583)	3045
— v. Detroit Common Council (58 Mich. 213; 24 N. W. 887; 55 Am. Rep. 675)	163, 639	— v. Leicester (9 Beav. 546)	607, 2759
— v. Detroit (112 Mich. 145; 70 N. W. 450; 37 L. R. A. 211)	725, 727	— v. Lichfield (11 Beav. 120)	650, 2759
— v. Detroit (148 Mich. 71; 111 N. W. 860)	1810, 2104	— v. Lichfield (13 Sim. 547)	524, 2757
— v. Detroit (150 Mich. 310; 113 N. W. 1107; 121 Am. St. Rep. 625)	2100	— v. Life & Fire Ins. Co. (9 Paige [N. Y.] 470)	1329
— v. Donahue (169 Mass. 18; 47 N. E. 433)	794	— v. Liverpool (1 Mylne & Cr. 171)	2755, 2756, 2759, 2775
— v. Dorking Union (L. R. 20 Ch. Div. 595)	3041, 3048	— v. Lock (3 Atk. [Ala.] 164)	466
— v. Dover (62 N. J. L. 40; 40 Atl. 640)	322	— v. Marston (66 N. H. 485; 22 Atl. 560; 13 L. R. A. 670)	727
— v. Dover (62 N. J. Law, 138; 41 Atl. 98)	121, 123	— v. Megin (63 N. H. 378)	844
— v. Drohan (169 Mass. 534; 48 N. E. 279; 61 Am. St. Rep. 301)	736	— v. Metropolitan R. Co. (125 Mass. 515; 28 Am. Rep. 264)	1991, 2002, 2006, 2055
— v. Dublin (1 Bligh N. R. 312)	2755, 2756, 2759, 2774, 2775	— v. Morris & E. R. Co. (19 N. J. Eq. 386)	1728, 1971
— v. Earl Claredon (17 Ves. 491)	819	— v. Morris & E. R. Co. (20 N. J. Eq. 530)	1970
— v. Eau Claire (37 Wis. 400; s. c. 40 Wis. 533)	1595, 1596, 1625, 2118, 2127	— v. Nashua (67 N. H. 478; 32 Atl. 852)	1558, 1569, 1577
— v. Edison Tel. Co. (L. R. 6 Q. B. Div. 244)	1927	— v. New York (3 Duer [N. Y.] 119)	464
— v. Ely (4 Wis. 420)	644	— v. Northampton (143 Mass. 589; 10 N. E. 450)	821, 2796
— v. Erie & K. R. Co. (55 Mich. 15; 20 N. W. 696)	2740	— v. Norwich (2 Myl. & Cr. 406)	564, 566, 1244
— v. Exeter (29 Beav. 44)	2759	— v. Norwich (16 Simons, 225)	2758
— v. Foote (11 Wis. 14; 78 Am. Dec. 689)	2734	— v. Oakman (126 Mich. 717; 86 N. W. 151; 86 Am. St. Rep. 574)	725
— v. Fort St. Union Depot Co. (117 Mich. 609; 76 N. W. 85)	2080		

## TABLE OF CASES CITED

[References are to pages]

Attorney-General v. Old Colony R. Co. (160 Mass. 62; 35 N. E. 252; 22 L. R. A. 112)	1662	Attorney-General v. Varney (68 N. H. 64; 40 Atl. 394)	843
— v. Parker (3 Atk. 576)	636	— v. Varnum (167 Mass. 477; 46 N. E. 1)	788
— v. Parsell (99 Mich. 381; 58 N. W. 335)	844	— v. Vineyard Grove Co. (181 Mass. 507; 64 N.E. 75)	1709, 1756
— v. Paterson (9 N. J. Eq. 624)	1566, 1657, 2748	— v. Walworth, L. & P. Co. (157 Mass. 86; 31 N. E. 482; 16 L. R. A. 398)	1912, 1915, 1972
— v. Plymouth (9 Beav. 67)	2752, 2759	— v. Wigan (5 De Gex, M. & G. 52)	2758
— v. Poole (4 Mylne & Cr. 17, 30; overruling 2 Keen, 190, 206)	650, 1135, 2757	— v. Williams (140 Mass. 329; 2 N. E. 80; 3 N. E. 214; 54 Am. Rep. 468)	1885
— v. Radloff (10 Exchq. 84)	1129	— v. Williams (174 Mass. 476; 55 N. E. 77; s. c. 178 Mass. 330; 59 N. E. 812; 47 L. R. A. 314)	1056, 1062, 1640, 1749
— v. Remick (71 N. H. 480; 53 Atl. 308)	677, 853, 857	— v. Wilson (9 Sim. 30, aff'd 1 Cr. & Ph. 1)	607, 2752, 2757, 2758, 2759
— v. Remick (73 N. H. 25; 111 Am. St. Rep. 594)	825, 837, 868, 876, 985	— v. Winnebago, L. & F. R. Pl. R. Co. (11 Wis. 42)	2407
— v. Revere Copper Co. (152 Mass. 444; 25 N. E. 605; 9 L. R. A. 510)	1898	— v. Woods (108 Mass. 436; 11 Am. Rep. 380)	501
— v. Reynolds (1 Eq. Cas. Ab. 131)	2775	— v. Worcester (2 Phillips, 3)	607
— v. Rye (7 Taunton, 546)	610	Attwood v. Bangor (83 Me. 582; 22 Atl. 466)	3047
— v. Salem (103 Mass. 138)	2738, 2739, 2756, 2774	Atwater v. Baltimore (31 Md. 462)	2884
— v. Sands (68 N. H. 54; 44 Atl. 83)	649	Atwell v. Barnes (109 Mich. 10; 66 N. W. 583)	2602
— v. Scott ([1904] 1 K. B. Div. 404; s. c. [1905] 2 K. B. Div. 160)	1852	Atwood v. Biddeford (99 Me. 78; 58 Atl. 417)	3047
— v. Shepard (62 N. H. 383; 13 Am. St. Rep. 576)	655, 837, 852	Aubry, <i>In re</i> (36 Wash. 308; 78 Pac. 900; 104 Am. St. Rep. 952)	1008
— v. Shrewsbury (6 Beav. 220)	589, 1570, 1576	Auburn v. Goodwin (128 Ill. 57; 21 N. E. 212)	1688, 1893
— v. Siddon (1 C. & J. 220)	1129	— v. Mayer (58 Neb. 161; 78 N. W. 462)	2845
— v. Steward (20 N. J. Eq. 415)	1049, 1050	— v. Paul (84 Me. 212; 24 Atl. 817)	2503
— v. Sullivan (32 L. J. Exchq. 92)	1129	— v. Quick (99 N. Y. 138; 1 N. E. 533)	681
— v. Sunderland (L. R. 2 Ch. Div. 634)	1749, 1750	— v. Union Water Power Co. (90 Me. 71; 37 Atl. 335; 38 L. R. A. 188)	830
— v. Superior & St. C. R. Co. (93 Wis. 604; 67 N. W. 1138)	2744	Auburn Theol. Sem. v. Childs (4 Paige [N. Y.] Ch. 419)	1568
— v. Taggart (66 N. H. 362; 29 Atl. 1027)	2666	Auchincloss v. Metropolitan Elev. R. Co. (69 N. Y. App. Div. 63; 74 N. Y. Supp. 534)	2049
— v. Tarr (148 Mass. 309; 19 N. E. 358; 2 L. R. A. 87)	1730, 1898, 1991	Auckland v. Westminster Local Bd. (L. R. 7 Ch. Div. 597)	2849
— v. Toledo & M. R. Co. (151 Mich. 473; 115 N. W. 422)	1990	Aucoin v. New Orleans (105 La. 271; 29 So. 502)	2959
— v. Toronto (10 Grant [Can.] 436)	1712	Auditor v. Davies (2 Pike [Ark.] 494)	78
— v. Trehy (178 Mass. 186; 59 N. E. 659)	694, 701, 704, 705, 707	Auditor General v. Calkins (136 Mich. 7; 98 N. W. 742)	2455, 2608
— v. Trombly (89 Mich. 50; 50 N. W. 744)	163	— v. Chase (132 Mich. 630; 94 N. W. 178)	2580
— v. Tudor Ice Co. (104 Mass. 239; 6 Am. Rep. 227)	2775		
— v. Utica Ins. Co. (2 Johns. [N. Y.] Ch. 371)	2728		

# TABLE OF CASES CITED

19

[References are to pages]

<b>Auditor General v. Fisher</b> (84 Mich. 128; 47 N.W. 574) 2596, 2598	<b>Augusta Tp. Municipality, In re</b> (12 Up. Can. Q. B. 522) 2662
— <b>v. Hoffman</b> (132 Mich. 198; 93 N. W. 259) 2454	<b>Aull v. Lexington</b> (18 Mo. 401) 1031
— <b>v. Menominee County Supervisors</b> (89 Mich. 552; 51 N. W. 483) 649, 842, 843	<b>Aull Sav. Bank v. Lexington</b> (74 Mo. 104) 1292
— <b>v. O'Neill</b> (143 Mich. 343; 106 N. W. 895) 2542, 2616	<b>Aurora v. Bitner</b> (100 Ind. 396) 3012, 3015
— <b>v. Stoddard</b> (147 Mich. 329; 110 N. W. 944) 2602	— <b>v. Colshire</b> (55 Ind. 484) 2975
<b>Auer v. Dubuque</b> (65 Iowa, 650; 22 N. W. 914) 2363	— <b>v. Cox</b> (43 Neb. 727; 62 N. W. 66) 2995
<b>Augero v. Keen</b> (1 M. & W. 390) 684	— <b>v. Elgin, A. &amp; S. Tr. Co.</b> (128 Ill. App. 77) 2030
<b>Augusta v. Augusta &amp; A. R. Co.</b> (130 Ga. 815; 61 S. E. 992) 2337	— <b>v. Fox</b> (78 Ind. 1) 881, 1817, 1819, 1826
— <b>v. Augusta Water District</b> (101 Me. 148) 2433	— <b>v. Gillett</b> (56 Ill. 132) 2926, 3041, 3046
— <b>v. Burum</b> (93 Ga. 68; 19 S. E. 820; 26 L. R. A. 340) 1867, 1886, 1896, 1902	— <b>v. Hillman</b> (90 Ill. 61) 3016
— <b>v. Clark</b> (124 Ga. 254; 52 S. E. 881) 987	— <b>v. Love</b> (93 Ill. 521) 3037
— <b>v. Dunbar</b> (50 Ga. 387) 2401, 2408, 2424, 2431, 2439, 2483	— <b>v. McGannon</b> (138 Mo. 38; 39 S. W. 469) 2386, 2387, 2472
— <b>v. Georgia R. &amp; B. Co.</b> (26 Ga. 651) 2423	— <b>v. Pulfer</b> (56 Ill. 270) 2966, 2967, 2970, 3001, 3040
— <b>v. Georgia R. &amp; B. Co.</b> (98 Ga. 161; 26 S. E. 409) 1612, 1614	— <b>v. Reed</b> (57 Ill. 29; 11 Am. Rep. 1) 1820, 2926, 3041, 3045, 3046
— <b>v. Harper</b> (59 Ga. 151) 3018, 3030	— <b>v. West</b> (9 Ind. 74) 144, 474, 569, 580, 581
— <b>v. Leadbetter</b> (16 Me. 45) 75, 1238, 2809	— <b>v. West</b> (22 Ind. 88; s. c. 9 Ind. 74; 85 Am. Dec. 413) 525, 526, 1325, 1345, 1396, 1397, 1398, 1439, 1440, 1533
— <b>v. Little</b> (115 Ga. 124; 41 S. E. 238) 2901, 2918	<b>Aurora Water Co. v. Aurora</b> (129 Mo. 540; 31 S. W. 946) 457, 950, 2293, 2297
— <b>v. McKibben</b> ([Ky.], 60 S. W. 291) 1220	<b>Auryansen v. Hackensack Imp. Com'n</b> (45 N. J. L. 113) 2509
— <b>v. Mackey</b> (113 Ga. 64; 38 S. E. 339) 2910, 2912, 3054	<b>Austin v. Allen</b> (6 Wis. 134) 882
— <b>v. North</b> (57 Me. 392; 2 Am. Rep. 55) 2478	— <b>v. Austin City Cem. Assoc.</b> (87 Tex. 330; 28 S. W. 528; 47 Am. St. Rep. 114) 929, 942, 990, 1033, 2754
— <b>v. Perkins</b> (3 B. Mon. [Ky.] 437) 1583, 1758	— <b>v. Austin Gasl. &amp; C. Co.</b> (69 Tex. 180; 7 S. W. 200) 2444
— <b>v. Perkins</b> (8 B. Mon. [Ky.] 207) 1716, 1753, 1762	— <b>v. Bartholomew</b> (107 Fed. Rep. 349) 2130, 2293, 2295
— <b>v. Port Royal &amp; A. R. Co.</b> (74 Ga. 658) 1972	— <b>v. Bethnal Green Guardians, &amp;c.</b> (L. R. 9 C. P. 91) 1189
— <b>v. Reynolds</b> (122 Ga. 754; 50 S. E. 998; 69 L. R. A. 564) 1785, 1865	— <b>v. Cahill</b> (99 Tex. 172; 88 S. W. 542) 421, 2686, 2711
— <b>v. Sweeny</b> (44 Ga. 463; 9 Am. Rep. 172) 734	— <b>v. Coggeshall</b> (12 R. I. 329; 34 Am. Rep. 648) 181, 566, 1155, 1180
— <b>v. Tharpe</b> (113 Ga. 152; 38 S. E. 389) 2973, 2974, 2984, 3000	— <b>v. Colony</b> (51 Iowa, 102; 49 N. W. 1051) 529, 530, 538, 1340
— <b>v. Tyner</b> (197 Ill. 242; 64 N. E. 378) 1688, 1690, 1716, 1724, 1732, 1735, 1736	— <b>v. Detroit, Y. &amp; A. A. R. Co.</b> (134 Mich. 149; 96 N. W. 35) 2007, 2009, 2029
— <b>v. Walton</b> (77 Ga. 517; 1 S. E. 214) 1573	— <b>v. French</b> (7 Met. [Mass.] 126) 683
<b>Augusta &amp; S. R. Co. v. Augusta</b> (100 Ga. 701; 28 S. E. 126) 1971, 1974	— <b>v. Gulf, Colo. &amp; S. F. R. R. Co.</b> (45 Tex. 234) 2565, 2576
<b>Augusta Bank v. Augusta</b> (49 Me. 507) 570, 1464	— <b>v. Hamilton County</b> (76 Fed. Rep. 208) 1497
	— <b>v. McCall</b> (95 Tex. 565; 68 S. W. 791, rev'g [Tex. Civ. App.], 67 S. W. 192) 419, 2114, 2768

## TABLE OF CASES CITED

[References are to pages]

- Austin v. Murray* (16 Pick. [Mass.] 126) 556, 986, 1032, 1033, 1083, 1794
- *v. Nalle* (85 Tex. 520; 22 S. W. 668, 960) 538, 1341, 1357, 2161, 2166, 2402
- *v. Nalle* (102 Tex. 536; 120 S. W. 996) 2505
- *v. Rutland R. Co.* (45 Vt. 215) 489
- *v. Seattle* (2 Wash. 667; 27 Pac. 557) 368, 373, 435, 436, 1391
- *v. Walton* (68 Tex. 507; 5 S. W. 70) 979, 980
- Austin Mfg. Co. v. Brown County* (65 Neb. 60; 90 N. W. 929) 354
- Austin's Case* (1 Ventr. 183) 2945
- Austrian v. Guy* (21 Fed. Rep. 500) 121
- Avery v. Ionia Supervisors* (71 Mich. 538; 39 N. W. 742) 1270, 1271
- *v. Job* (25 Oreg. 512; 36 Pac. 293) 2115
- *v. Springport* (14 Blatchf. [Ind.] 272) 1479
- *v. Studley* (74 Conn. 272; 50 Atl. 752) 785, 786, 800, 811, 813, 815
- *v. United States* (104 Fed. Rep. 711, aff'g 98 Fed. Rep. 512) 1557, 1562, 1564
- *v. Vermont Elect. Co.* (75 Vt. 235; 54 Atl. 179; 59 L. R. A. 817; 98 Am. St. Rep. 818) 2126
- Avis v. Vineland* (55 N. J. L. 285; 26 Atl. 149) 896, 897, 1794
- *v. Vineland* (56 N. J. L. 474; 28 Atl. 1039; 23 L. R. A. 685) 1035, 1096, 1097, 1697
- Avoca v. Heller* (129 Iowa, 227; 105 N. W. 444) 973
- Avondale v. McFarland* (101 Ala. 381; 13 So. 504) 3046
- *Land Co. v. Avondale* (111 Ala. 523; 21 So. 318) 1705, 1747
- Ayar's Appeal* (122 Pa. 266; 16 Atl. 356; 2 L. R. A. 577) 246, 247, 265, 275, 277, 280, 301
- Aydelott v. South Louisville* ([Ky.], 26 S. W. 717) 344
- Ayer v. Emery* (14 Allen [Mass.] 67) 1562
- *v. Norwich* (39 Conn. 376; 12 Am. Rep. 396) 2970, 2978
- *v. Somersworth* (66 N. H. 476; 30 Atl. 1119) 2822
- *& L. T. Co. v. Kentucky* (202 U. S. 409) 2410, 2417, 2418
- Ayeridge v. Com'rs* (60 Ga. 404) 137
- Ayers, In re* (123 U. S. 443) 2479
- *v. Fellrath* (5 Tex. Civ. App. 557; 24 S. W. 347) 1706
- *v. Hatch* (175 Mass. 489; 56 N. E. 612) 713, 794, 795, 799, 802, 815
- Ayers v. Newark* (49 N. J. L. 170; 6 Atl. 659) 792, 809, 812, 815
- *v. Hammondsport* (130 N. Y. 665; 29 N. E. 265) 2966
- *v. Lawrence* (59 N. Y. 192) 2762, 2777, 2778, 2779, 2780
- *v. Pennsylvania R. Co.* (48 N. J. L. 44; 3 Atl. 885; 57 Am. Rep. 538; s. c. 50 N. J. L. 660; 14 Atl. 901; 52 N. J. L. 405; 20 Atl. 54) 1697, 1756
- *v. Schmohl* (86 Mo. App. 349) 2632, 2634
- *v. Thurston County* (63 Neb. 96; 88 N. W. 178) 610, 1307
- Baar v. Kirby* (118 Mich. 392; 76 N. W. 754) 910, 911
- Bab v. Clerk* (F. Moore, 411) 961
- Babbage v. Powers* (130 N. Y. 281; 29 N. E. 132; 14 L. R. A. 398) 1871, 1872, 1874, 1875
- Babbidge v. Astoria* (25 Oreg. 417; 36 Pac. 291; 42 Am. St. Rep. 796) 910, 911
- Babbit v. Savoy* (3 Cush. [Mass.] 530) 564
- Babcock v. Buffalo* (56 N. Y. 268) 460, 1039
- *v. Fond du Lac* (58 Wis. 230; 16 N. W. 625) 2828
- *v. Goodrich* (47 Cal. 488) 548, 1177, 1285, 1314, 2677
- *v. Helena* (34 Ark. 499) 447
- Babson v. Rockport* (101 Mass. 93) 2963
- Baby v. Baby* (5 Upper Can. Q. B. 510) 1155
- *v. Baby* (8 Up. Can. Q. B. 76) 682
- Bacas v. Adler* (112 La. 806; 36 So. 739) 1262, 2601
- Bacharach v. Von Eiff* (74 Hun [N. Y.] 533; 26 N. Y. Supp. 842) 1966, 2041
- Bachelder v. Epping* (28 N. H. 354) 2861
- Bachelor v. Pinkham* (68 Me. 253) 775, 776
- Bacher's Case* (20 Pa. St. 425) 808
- Bachler's Appeal* (90 Pa. St. 207) 1620
- Backman v. Charlestown* (42 N. H. 125) 1183, 1190
- *v. Oskaloosa* (130 Iowa, 600; 104 N. W. 347) 1688, 1743
- Backus v. Detroit* (49 Mich. 110; 13 N. W. 380; 43 Am. Rep. 447) 475, 486, 502, 511, 512, 1694, 1797
- *v. Fort Street Union Depot Co.* (169 U. S. 557) 1661
- *v. Lebanon* (11 N. H. 19; 35 Am. Dec. 466) 1611



## TABLE OF CASES CITED

21

[References are to pages]

- Bacon v. Boston** (3 Cush. [Mass.] 174) 1882, 2957, 2973, 2984, 2985, 2998
- **v. Boston** (154 Mass. 100; 28 N. E. 9) 1610, 1639
- **v. Dawes County** (66 Neb. 191; 92 N. W. 313) 1297, 1313
- **v. Locke** (42 Wash. 215; 83 Pac. 721) 2325, 2337
- **v. Robertson** (18 How. [U. S.] 480) 588, 590, 593, 597
- **v. Savannah** (105 Ga. 62; 31 S. E. 127) 2635
- **v. Tacoma** (19 Wash. 674; 54 Pac. 609) 1316
- **v. Walker** (77 Ga. 336) 1664, 2754
- Badenoch v. Chicago** (222 Ill. 71; 78 N. E. 31) 470, 472
- Badgely v. Bender** (3 Up. Can. Q. B. o. s. 221) 1743
- Badger v. Bolles** (93 U. S. 599) 2703
- **v. Boston** (130 Mass. 170) 1684
- **v. Inlet Drainage Co.** (141 Ill. 540; 31 N. E. 170) 1184
- **v. United States** (93 U. S. 599, aff'g same case, 6 Biss. 308) 723, 724, 2702
- Badgley v. St. Louis** (149 Mo. 122; 50 S. W. 817) 3020
- Badkins v. Robinson** (53 Ga. 613) 1073, 1078
- Badley v. Cuckfield Union Rural Dist.** (72 L. T. n. s. 775) 1106
- Baes v. Hewitt** (20 Wis. 460) 1350
- Bagg v. Detroit** (5 Mich. 336) 2498, 2775
- Bagg's Case** (2 Kyd. 52) 780
- Bagg's Case** (11 Coke, 93) 782, 792, 798, 808, 810
- Bagley v. People** (43 Mich. 355; 5 N. W. 415; 38 Am. Rep. 192) 1788
- Bagwell v. Lawrenceville** (94 Ga. 654; 21 S. E. 903) 1015
- Bailey v. Berkey** (81 Fed. Rep. 737) 771
- **v. Fairfield** (Brayt. [Vt.] 126) 3005
- **v. Jamieson** (L. R. 1 C. P. Div. 329) 1743
- **v. Kansas City** (189 Mo. 503; 87 S. W. 1182) 979
- **v. Manasquan** (53 N. J. L. 162; 20 Atl. 772) 2425
- **v. New York** (3 Hill [N. Y.] 531; 2 Denio [N. Y.] 433; 38 Am. Dec. 669) 182, 184, 190, 773, 776, 2845, 2850, 2866, 2880, 2899, 2906, 2909, 2911, 2913, 2914, 2916
- **v. New York Arcade R. Co.** (113 N. Y. 615; 20 N. E. 594) 1941
- **v. Paullina** (69 Iowa, 463; 29 N. W. 418) 2831
- **v. Philadelphia** (167 Pa. St. 569; 31 Atl. 925; 46 Am. St. Rep. 691) 1288
- Bailey v. Philadelphia, W. & B. R. Co.** (4 Harring. [Del.] 389; 45 Am. Dec. 593) 492, 1771, 1835
- **v. Sioux City Falls** (19 S. Dak. 231; 103 N. W. 16) 377
- **v. State** (30 Neb. 855; 47 N. W. 208) 987
- **v. Van Buren Circuit Judge** (128 Mich. 627; 87 N. W. 890) 2658
- **v. Woburn** (126 Mass. 416) 1633, 2874
- Baileyville v. Lowell** (20 Me. 178) 1239
- Bailiffs of Brigenoth** (2 Stra. 808) 2724
- Baily, In re** (2 Cow. [N. Y.] 479) 2657
- **v. Fayette Gas Fuel Co.** (193 Pa. 175; 44 Atl. 251) 2205, 2206
- **v. Philadelphia** (184 Pa. 594; 39 Atl. 494; 39 L. R. A. 837; 63 Am. St. Rep. 812) 1585, 2130
- Bain v. Mitchell** (82 Ala. 304; 2 So. 706) 1119
- **v. Richmond & D. R. Co.** (105 N. Car. 363; 11 S. E. 311; 8 L. R. A. 299; 18 Am. St. Rep. 912) 2341
- Bainbridge v. Sherlock** (29 Ind. 364; 95 Am. Dec. 644) 484, 504
- Baines v. Janeville** (100 Wis. 369; 75 N. W. 404) 1837, 1838
- Baird v. Bank of Wash.** (11 Serg. & R. 411) 1581
- **v. Monroe** (150 Cal. 560; 89 Pac. 352) 2485
- **v. New York** (96 N. Y. 567) 1157, 1158, 1159, 1160, 1174, 1202, 1204
- **v. Rice** (63 Pa. St. 489) 1687, 1751, 1752, 1754, 1771, 1836
- **v. Sheehan** (38 N. Y. App. Div. 7; 56 N. Y. Supp. 228) 1166
- **v. Williams** (49 Ark. 518; 6 S. W. 1) 2366
- Bakely v. Nowrey** (68 N. J. L. 95; 52 Atl. 289, aff'd 68 N. J. L. 732; 54 Atl. 833) 787, 810
- Baker v. Boston** (12 Pick. [Mass.] 184; 22 Am. Dec. 421) 458, 460, 555, 1083, 2869, 2902
- **v. Bryan** (64 Iowa, 561; 21 N. W. 83) 1263, 1266
- **v. Chambles** (4 G. Greene [Iowa] 428) 1174
- **v. Cincinnati** (11 Ohio St. 534) 331, 2375, 2462, 2470, 2830, 2832
- **v. Cushman** (127 Mass. 105) 851, 859, 871
- **v. Delaney** (55 N. J. L. 9; 25 Atl. 936) 284
- **v. Elizabeth** (37 N. J. L. 142) 2505
- **v. Gartside** (86 Pa. St. 498) 2631
- **v. Grand Rapids** (111 Mich. 447; 69 N. W. 740) 2984

## TABLE OF CASES CITED

[References are to pages]

Baker v. Grand Rapids (142 Mich. 687; 106 N. W. 208)	2098, 2100, 2771	Baldwin v. Ely (66 Wis. 171; 28 N. W. 392)	2359
— v. Johnson (41 Me. 15)	2651, 2652	— v. Franks (120 U. S. 688)	474
— v. Johnson County (33 Iowa, 151)	873, 1173, 1297, 1325, 1888	— v. Fuller (39 N. J. L. 576, aff'd 40 N. J. L. 615)	2507
— v. Johnston (21 Mich. 319)	1687, 1690, 1695, 1717, 1722, 1724, 1731, 1736, 1742, 1743, 1745, 1747, 1751, 1754	— v. Green (10 Mo. 410)	448, 966, 1799
— v. Lexington ([Ky.], 53 S. W. 16)	986, 2463	— v. Greenwoods Turnp. Co. (40 Conn. 238; 16 Am. Rep. 33)	2970, 2990
— v. Madison (62 Wis. 137; 22 N. W. 141, 583)	2961	— v. Hastings (83 Mich. 639; 47 N. W. 507)	2426
— v. Meacham (18 Wash. 319; 51 Pac. 404)	1392	— v. Hewitt (88 Ky. 673; 11 S. W. 803)	2479
— v. Neff (73 Ind. 68)	1581	— v. Montgomery Council (53 Ala. 437)	2475
— v. Normal (81 Ill. 108)	1099	— v. Otoe County (111 U. S. 1)	570
— v. North East Borough (151 Pa. 234; 24 Atl. 1079)	2912, 2913	— v. Philadelphia (99 Pa. St. 164)	729
— v. Pittsburgh (4 Pa. St. 49)	734	— v. Springfield (141 Mo. 205; 42 S. W. 717)	1727
— v. Portland (58 Me. 199; 4 Am. Rep. 274)	902, 2971, 3004	— v. Trimble (85 Md. 396; 37 Atl. 176; 36 L. R. A. 489)	1897, 1903
— v. St. Louis (75 Mo. 671; s. c. 7 Mo. App. 429)	1562, 1699	— v. Wilbraham (140 Mass. 459; 4 N. E. 829)	2774
— v. St. Paul (8 Minn. 491)	1687, 1689, 1702, 1743	Baldwin County v. Liquor Dealers (42 Ga. 325)	1012
— v. Seattle (2 Wash. St. 576; 27 Pac. 462)	232, 285, 348, 368, 429, 430, 432	Balfe v. Bell (40 Ind. 337)	2447
— v. Selma St. & Sub. R. Co. (130 Ala. 474; 30 So. 464)	2006	Ball v. Armstrong (10 Ind. 181)	1864, 3028
Baker v. Shepard (24 N. H. 212)	678, 832	— v. Balfe (41 Ind. 221)	2627
— v. Squire (143 Mo. 92; 44 S. W. 792)	1706, 1724	— v. Brigham (5 Mass. 406)	2792
— v. Squire (77 Mo. App. 329)	1709	— v. Fagg (67 Mo. 481)	677
— v. State (44 Ark. 134)	2373, 2468	— v. Independence (41 Mo. App. 469)	2965
— v. State (27 Ind. 485)	771, 918,	— v. Lappius (3 Oreg. 55)	2648
— v. Utica (19 N. Y. 326)	733, 1250, 1251	— v. Neosho (109 Mo. App. 683; 83 S. W. 777)	3014
— v. Vanderburg (99 Mo. 378; 12 S. W. 462)	1725	— v. Poor (81 Ky. 26)	2482
— v. Wambaugh (99 Ind. 312)	728	— v. Presidio County (88 Tex. 60; 29 S. W. 1042)	1485
— v. Washington (7 D. C. 134)	551	— v. Ray (L. R. 8 Ch. App. 467)	1036
— v. Windham (13 Me. 74)	564, 881	— v. Ridge Copper Co. (118 Mich. 7; 76 N. W. 130)	2367
— v. York (65 Ark. 142; 45 S. W. 57)	1308	— v. Rutland R. Co. (93 Fed. Rep. 513)	2257
Balch v. Beach (119 Wis. 77; 95 N. W. 132)	400, 407, 2771	— v. Winchester (32 N. H. 435)	2855, 2856, 2857, 3052
— v. Essex Co. Com'rs (103 Mass. 106)	1639, 1648	— v. Woodbine (61 Iowa, 83; 15 N. W. 846; 47 Am. Rep. 805)	2839, 2850, 2882, 2979
Baldrick v. Gast ([Ky.], 79 S. W. 212)	2456, 2629	— v. Wright (115 Ga. 729; 42 S. E. 32)	2723
Baldwin v. Aberdeen (23 S. Dak. 636; 123 N. W. 80; 26 L. R. A. N. s. 116)	2817	Ballance v. Forsyth (24 How. [U. S.] 183)	1497
— v. Bangor (36 Me. 518)	1655	Ballantine v. Pulaski (15 Lea [Tenn.] 633)	63, 242
— v. Buffalo (35 N. Y. 375; s. c. 29 Barb. [N. Y.] 396)	1743	Ballard v. Cerney (83 Neb. 606; 120 N. W. 151)	2763
— v. Calkins (10 Wend. [N. Y.] 166)	2793	— v. Davis (31 Miss. 525)	848
		— v. State (43 Ohio St. 340; 1 N. E. 76)	675

[References are to pages]

<b>Ballard v. Thompson</b> (21 Wash. 669; 59 Pac. 517) 683	<b>Baltimore v. Howard</b> (6 Har. & J. [Md.] 383) 2482, 2483
— <b>v. West Coast Imp. Co.</b> (15 Wash. 572; 46 Pac. 1055) 2480	— <b>v. Hussey</b> (67 Md. 112; 9 Atl. 19) 2439
<b>Ballerino v. Mason</b> (83 Cal. 447; 23 Pac. 530) 771	— <b>v. Johns Hopkins Hospital</b> (56 Md. 1) 2496, 2566
<b>Ballinger v. McLaughlin</b> (22 S. Dak. 206; 116 N. W. 70) 2667	— <b>v. Johnson</b> (62 Md. 225) 2769
<b>Balls v. Woodward</b> (51 Fed. Rep. 646) 770, 3019	— <b>v. Keely Institute</b> (81 Md. 106; 31 Atl. 437; 27 L. R. A. 646) 158
<b>Baltimore v. Baltimore &amp; O. R. Co.</b> (6 Gill [Md.] 288; 48 Am. Dec. 531) 2423, 2445	— <b>v. Keyser</b> (72 Md. 106; 19 Atl. 706) 2763, 2769
— <b>v. Baltimore &amp; O. R. Co.</b> (21 Md. 50) 669, 2749, 2755	— <b>v. Lefferman</b> (4 Gill [Md.] 425; 45 Am. Dec. 145) 2829, 2831, 2832
— <b>v. Baltimore &amp; P. S. B. Co.</b> (104 Md. 485; 65 Atl. 353) 480, 485, 503	— <b>v. Lyman</b> (92 Md. 591; 48 Atl. 145; 52 L. R. A. 406) 737
— <b>v. Baltimore Trust &amp; Guar. Co.</b> (166 U. S. 673) 1093	— <b>v. McKim</b> (3 Bland [Md.] 453) 485
— <b>v. Beck</b> (96 Md. 183; 53 Atl. 976) 2977	— <b>v. Marriott</b> (9 Md. 160) 2656, 2968, 2993
— <b>v. Black</b> (56 Md. 333) 1654	— <b>v. Merryman</b> (86 Md. 584; 39 Atl. 98) 2909
— <b>v. Board of Police</b> (15 Md. 376) 130, 145, 639, 675, 1284	— <b>v. Musgrave</b> (48 Md. 272) 1153, 1155, 1180, 1653, 1654
— <b>v. Bouldin</b> (23 Md. 328) 1648, 2609	— <b>v. Northern Cent. R. Co.</b> (88 Md. 427; 41 Atl. 911) 1699
— <b>v. Boyd</b> (64 Md. 10; 20 Atl. 1028) 2597	— <b>v. O'Donnell</b> (53 Md. 110) 3023
— <b>v. Brannan</b> (14 Md. 227) 2974, 2993	— <b>v. O'Neill</b> (63 Md. 336) 2880, 2895
— <b>v. Broumel</b> (86 Md. 153; 37 Atl. 648) 1710, 1724, 1727, 1729, 1740	— <b>v. Pendleton</b> (15 Md. 12) 2993, 2994, 3010, 3023
— <b>v. Chase</b> (2 Gill & J. [Md.] 376) 2482, 2483	— <b>v. Porter</b> (18 Md. 284) 231, 2756, 2769, 2783, 2786, 2789
— <b>v. Clunet</b> (23 Md. 449) 905, 985, 1623, 1624, 1657	— <b>v. Poultney</b> (25 Md. 18) 825, 847, 1186
— <b>v. Cowen</b> (88 Md. 447; 41 Atl. 900) 1617	— <b>v. Poultney</b> (25 Md. 107) 2850
— <b>v. Eschbach</b> (18 Md. 276) 1153, 1154, 1155, 1180, 1647, 2596, 2869, 2873	— <b>v. Radecke</b> (49 Md. 217) 918, 930, 936, 940, 954, 990, 991
— <b>v. Fear</b> (82 Md. 246; 33 Atl. 637) 1705	— <b>v. Raymo</b> (68 Md. 569; 13 Atl. 383) 1204, 1205, 2629
— <b>v. Flack</b> (104 Md. 107; 64 Atl. 702) 1205, 1208, 1820	— <b>v. Reitz</b> (50 Md. 574) 158
— <b>v. Frick</b> (82 Md. 77; 33 Atl. 435) 1708, 1720	— <b>v. Reynolds</b> (20 Md. 1; 83 Am. Dec. 535) 1153, 1154, 1155, 1169, 1194
— <b>v. Gahan</b> (104 Md. 145; 64 Atl. 716) 461	— <b>v. Root</b> (8 Md. 102) 469, 742
— <b>v. Gill</b> (31 Md. 375) 350, 351, 374, 458, 546, 2768, 2769, 2783	— <b>v. St. Agnes Hospital</b> (48 Md. 419) 1662, 2874
— <b>v. Gorter</b> (93 Md. 1; 48 Atl. 445) 912	— <b>v. Scharf</b> (54 Md. 499) 461, 944, 990, 2079
— <b>v. Grand Lodge</b> (44 Md. 436) 2769	— <b>v. State Board of Police</b> (15 Md. 376) 135, 158, 175, 625, 2402, 2444
— <b>v. Green Mt. Cem. Prop.</b> (7 Md. 517) 2573, 2575	— <b>v. Stewart</b> (92 Md. 535; 48 Atl. 165) 2365
— <b>v. Hanson</b> (61 Md. 462) 2558	— <b>v. Ulman</b> (79 Md. 469; 30 Atl. 43) 2364
— <b>v. Hook</b> (62 Md. 371) 1628, 1646	— <b>v. United R. &amp; E. Co.</b> (107 Md. 250; 68 Atl. 557; 14 L. R. A. n. s. 805) 2422
— <b>v. Horn</b> (26 Md. 194) 230, 1631, 2756, 2783	— <b>v. Walker</b> (98 Md. 637; 57 Atl. 4) 3014
	— <b>v. White</b> (2 Gill [Md.] 444) 476, 480, 502, 506, 511, 513, 515
	— <b>v. White</b> (62 Md. 362) 1705



[References are to pages]

Baltimore & O. R. Co. v. Baltimore (98 Md. 535; 56 Atl. 790)	1617	Bangs v. Dunn (66 Cal. 72; 4 Pac. 963)	742
— v. Baugh (149 U. S. 368)	93	— v. Snow (1 Mass. 181)	451
— v. Boyd (63 Md. 325)	1646	Bank v. Brainerd School District (49 Minn. 106; 51 N. W. 814)	2889
— v. Chase (43 Md. 23)	485	— v. Chillicothe (7 Ohio, Part II. p. 31; 30 Am. Dec. 185)	453, 523, 532, 1327
— v. Jefferson County (29 Fed. Rep. 305)	137	— v. Lockwood (2 Harring. [Del.] 8)	601
— v. Mali (66 Md. 53; 5 Atl. 87)	2067	— v. Nashville (3 Humph. [Tenn.] 522)	720
— v. Marshall County (3 W. Va. 319)	2444	— v. Supervisors (7 Wall. [U. S.] 26)	2321
— v. People (200 Ill. 541; 66 N. E. 148)	359, 360, 424	Bankers Life Ins. Co. v. Howland (73 Vt. 1; 48 Atl. 435; 75 L. R. A. 374)	2658
— v. Pittsburg, W. & K. R. Co. (17 W. Va. 812, 835)	2365	Bankhead v. Brown (25 Iowa, 540)	1638, 1641
— v. Whiting (161 Ind. 228; 68 N. E. 266)	921, 1090	Bank of Augusta v. Earle (13 Pet. [U. S.] 519)	1567, 1905, 1906
Baltimore & O. S. W. R. Co. v. Seymour (154 Ind. 17; 55 N. E. 953)	1709	Bank of Chenango v. Brown (26 N. Y. 467)	127, 128, 919
Baltimore & Susq. R. Co. v. Nesbit (10 How. [U. S.] 395)	1654	Bank of Chester v. Chester (10 Rich. Law [S. Car.] 104)	2423
Baltimore County v. Baker (44 Md. 1)	770	Bank of Columbia v. Patterson (7 Cranch, 299)	631, 1139, 1174, 1175, 1177, 1184, 1191
— v. Maryland Hospital for Insane (62 Md. 127)	2432, 2577	Bank of Commerce v. New York City (2 Black [U. S.] 620)	2321, 2412, 2440
Baltimore County Water Co. v. Baltimore County (105 Md. 154; 66 Atl. 34)	1910	— v. Stone (108 Ky. 427; 56 S. W. 683)	1314
— v. Dubreuil (105 Md. 424; 66 Atl. 439)	1910, 1912	— v. Tennessee (104 U. S. 493)	2445
Baltimore Shipbuilding & D. D. Co. v. Baltimore (195 U. S. 375, aff'g 97 Md. 97; 54 Atl. 623)	2322	Bank of Commonwealth v. New York (43 N. Y. 184)	2827, 2832, 2877, 2878, 2901
Baltimore Trust & Guar. Co. v. Baltimore (64 Fed. Rep. 153)	920, 1974, 2083	Bank of Georgia v. Savannah (Dudley [Ga.] 130)	2422
Baltimore Turnpike (5 Binn. [Pa.] 484)	849	Bank of Harlem v. Bayonne (48 N. J. Eq. 246; 21 Atl. 478)	1282
Baltimore University v. Colton (98 Md. 623; 57 Atl. 14; 64 L. R. A. 108)	2649	Bank of Idaho v. Malheur County (30 Oreg. 420; 45 Pac. 781)	1588, 1831
Bamber v. Rochester (26 Hun [N. Y.] 587)	2896	Bank of Ireland v. Evans (32 Eng. Law & Eq. 23)	630
Bamford v. Iles (3 Exch. 380)	683	Bank of Kentucky v. Stone (88 Fed. Rep. 383, aff'd 174 U. S. 799)	2828
— v. Turnley (3 B. & S. 62)	1036	Bank of Metropolis v. Guttschlick (14 Pet. [U. S.] 19)	1174
Banaz v. Smith (133 Cal. 102; 65 Pac. 309)	1251, 2394, 2403, 2525, 2627	Bank of Michigan v. Niles (1 Doug. [Mich.] 401; 41 Am. Dec. 575)	1559, 1581
Banbury, Corporation of (10 Mod. 346)	588, 719	Bank of Monroe v. State (26 Hun [N. Y.] 581)	1152
Bancroft v. Cambridge (126 Mass. 438)	556	Bank of New Orleans v. New Orleans (12 La. An. 42)	2829
— v. Lynnfield (18 Pick. [Mass.] 566; 29 Am. Dec. 623)	75, 564, 565	Bank of New York v. New York & N. H. R. Co. (13 N. Y. 599)	1325
Bang v. McAvoy (52 N. Y. App. Div. 501; 65 N. Y. Supp. 467)	441	Bank of Oxford v. Oxford (70 Miss. 504; 12 So. 203)	2384
Bangor v. Lansil (51 Me. 521)	3041		
— v. Maine Cent. R. Co. (97 Me. 151; 53 Atl. 1105)	1724		
Bangor Sav. Bank v. Stillwater (46 Fed. Rep. 899)	1335, 1337		

[References are to pages]

<b>Bank of Redemption v. Boston</b> (125 U. S. 60) 2422	<b>Barber Asphalt Pav. Co. v. Gogreve</b> (41 La. An. 251; 5 So. 848) 1206, 1208, 2380, 2503, 2505, 2578
<b>Bank of Rome v. Rome</b> (18 N. Y. 38; 19 N. Y. 20; 75 Am. Dec. 272) 128, 135, 544, 569, 570, 580, 1325, 1534, 1540	— <i>v. Hezel</i> (155 Mo. 391; 56 S. W. 449; 48 L. R. A. 285, rev'g 76 Mo. App. 135) 1261
<b>Bank of Russellville v. Russell-</b> <b>ville</b> ([Ky.], 118 S. W. 921) 2439	— <i>v. Hunt</i> (100 Mo. 22; 13 S. W. 98; 8 L. R. A. 110; 18 Am. St. Rep. 530) 950, 1205
<b>Bank of Santa Cruz County v.</b> <b>Bartlett</b> (78 Cal. 301; 20 Pac. 682) 1295	— <i>v. Louisville</i> (123 Ky. 687; 97 S. W. 31; 9 L. R. A. N. s. 154) 1262
<b>Bank of Statesville v. Statesville</b> (84 N. Car. 169) 1192, 1529	— <i>v. Meserve</i> (103 Mo. App. 186; 77 S. W. 137) 2626
<b>Bank of Tennessee v. Dibrell</b> (3 Sneed [Tenn.] 379) 742	— <i>v. Munn</i> (185 Mo. 552; 83 S. W. 1062) 1261, 2527, 2632
<b>Bank of United States v. Dand-</b> <b>ridge</b> (12 Wheat. [U. S.] 64) 678, 679, 884, 1184	— <i>v. Peck</i> (186 Mo. 506; 85 S. W. 387) 2527
<b>Bank of Utica v. Smedes</b> (3 Cow. [N. Y.] 662) 1155	— <i>v. Ridge</i> (169 Mo. 376; 68 S. W. 1043) 2632
<b>Bank of Virginia v. Poitiaux</b> (3 Rand. 136; 15 Am. Dec. 706) 1581	— <i>v. St. Joseph</i> (183 Mo. 451; 82 S. W. 64) 2578
<b>Banks v. Mayor</b> (7 Wall. [U. S.] 16) 2321, 2440	— <i>v. Trenton</i> (74 N. J. L. 430; 65 Atl. 873) 1224
— <i>v. Ogden</i> (2 Wall. [U. S.] 57) 1702	— <i>v. Ullman</i> (137 Mo. 543; 38 S. W. 458) 1261, 1262, 2635
<b>Bank Tax Case</b> (2 Wall. [U. S.] 200) 2321, 2412, 2440	— <i>v. Watt</i> (51 La. An. 1345; 26 So. 70) 1261, 2454, 2593, 2595, 2596
<b>Bannagan v. District of Columbia</b> (2 Mackey, 285) 3049, 3050	— <i>v. Willcox</i> (90 N. Y. App. Div. 245; 86 N. Y. Supp. 69) 1205
<b>Bannock County v. Bell</b> (8 Idaho, 1; 65 Pac. 710; 101 Am. St. Rep. 140) 1888	<b>Barber County v. Smith</b> (48 Kan. 331; 29 Pac. 565) 334
— <i>v. Bunting</i> (4 Idaho, 156; 37 Pac. 277) 411	— <i>v. Society for Sav.</i> (101 Fed. Rep. 767) 1461, 1503
<b>Bannon v. Murphy</b> ([Ky.], 38 S. W. 889) 1788	<b>Barber Surgeons v. Pelson</b> (2 Lev. 252) 979
— <i>v. Rohmeiser</i> (90 Ky. 48; 13 S. W. 444) 1841	<b>Barbier v. Connolly</b> (113 U. S. 27) 554, 927
<b>Banta, Matter of</b> (60 N. Y. 165) 2596	<b>Barbour v. Ellsworth</b> (67 Me. 294) 2873, 2899
— <i>v. Chicago</i> (172 Ill. 204; 50 N. E. 233; 40 L. R. A. 611) 2463, 2468	<b>Barbour County v. Horn</b> (48 Ala. 566) 2856, 2950, 3005
<b>Banton v. Wilson</b> (4 Tex. 400) 2671	<b>Barclay v. Abraham</b> (121 Iowa, 619; 96 N. W. 1080; 64 L. R. A. 255; 100 Am. St. Rep. 365) 2308
<b>Barber v. Chicago</b> (152 Ill. 37; 38 N. E. 253) 2453	— <i>v. Boston</i> (173 Mass. 310; 53 N. E. 822) 2819
— <i>v. Essex</i> (27 Vt. 62) 3034	— <i>v. Howell's Lessee</i> (6 Pet. [U. S.] 498) 1695, 1699, 1703, 1708, 1713, 1715, 1722, 1762, 1785, 1825, 1845
— <i>v. Rollinson</i> (1 C. & M. 330) 676	— <i>v. Massachusetts</i> (173 Mass. 310; 53 N. E. 822) 2819
— <i>v. Rorabeck</i> (36 Mich. 399) 1783	<b>Barclay &amp; Darlington, In re</b> (11 Upper Can. Q. B. 470) 608
— <i>v. Roxbury</i> (11 Allen [Mass.] 318) 2959, 2961, 2978, 2988	<b>Bard v. Augusta</b> (30 Fed. Rep. 906) 1349
<b>Barber Asphalt Pav. Co. v. Den-</b> <b>ver</b> (72 Fed. Rep. 336) 1252	<b>Bardsley v. Sternberg</b> (17 Wash. 243; 49 Pac. 499) 1155
— <i>v. Edgerton</i> (125 Ind. 455; 25 N. E. 436) 2608	— <i>v. Sternberg</i> (18 Wash. 612; 52 Pac. 251, 524) 1290, 1302, 1303
— <i>v. Field</i> (188 Mo. 182; 86 S. W. 860) 1152, 1158, 1209	<b>Bardwell v. Jamaica</b> (15 Vt. 438) 1832
— <i>v. French</i> (158 Mo. 534; 58 S. W. 934, aff'd 181 U. S. 324; 54 L. R. A. 492) 1261, 2527	
— <i>v. Gaar</i> (115 Ky. 334; 73 S. W. 1106) 1212, 1261, 2426, 2456, 2555	

## TABLE OF CASES CITED

[References are to pages]

- Barfield *v.* Gleason (111 Ky. 491;  
63 S. W. 964) 2370, 2493, 2496,  
2497, 2526, 2580
- *v.* Macon County (109 Ga.  
386; 34 S. E. 596) 3045
- Bargate *v.* Shortridge (5 Cl. H. L.  
C. 297) 1420
- Barger *v.* Hickory (130 N. Car.  
550; 41 S. E. 708) 2868, 2869
- Barhite *v.* Rochester Home Tele-  
phone Co. (50 N. Y. App Div.  
25; 63 N. Y. Supp. 659) 914, 1927,  
2779
- Barker *v.* Barrows (138 Mass. 578) 1563
- *v.* Commonwealth (19 Pa. St.  
412) 1788, 1859
- *v.* Loomis (6 Hill [N. Y.] 463) 524
- *v.* People (3 Cow. [N. Y.] 686;  
15 Am. Dec. 322) 637, 638
- *v.* Savage (45 N. Y. 191; 6  
Am. Rep. 66) 1849, 2973, 2985
- *v.* Southern Construction Co.  
([Ky.], 47 S. W. 608) 1263
- *v.* State (18 Ohio, 514) 2425
- *v.* Tennessee Pav. Brick Co.  
([Ky.], 71 S. W. 877) 2629
- *v.* Wyandotte County (45  
Kan. 681; 26 Pac. 585) 2604
- Barker Dist. Bd. of Education *v.*  
Valley Dist. Board (30 W. Va.  
424; 4 S. E. 640) 627, 628
- Barkley *v.* Levee Com'rs (93 U. S.  
258) 597, 600, 603, 625,  
2690
- *v.* Lincoln (82 Neb. 181; 117  
N. W. 398; 18 L. R. A. N. s. 392)  
2640
- *v.* Oregon City (24 Oreg. 515;  
33 Pac. 978) 2600, 2603
- *v.* Wilcox (86 N. Y. 140; 40  
Am. Rep. 519) 2307
- Barling *v.* West (29 Wis. 307; 9  
Am. Rep. 576) 927, 933, 934, 1870
- Barlow, *In re* (30 L. J. Q. B. 271) 2652
- *v.* Norman (2 W. Bl. 959) 568
- *v.* Tacoma (12 Wash. 32; 40  
Pac. 382) 2600, 2611
- Barnard *v.* Com'rs of Highways  
(172 Ill. 391; 50 N. E. 120) 773
- *v.* Knox County (105 Mo. 382;  
16 S. W. 917; 13 L. R. A. 244) 346,  
353, 411, 416
- Barnert *v.* Paterson (48 N. J. L.  
395; 6 Atl. 15) 564, 846, 850, 1244
- Barnes *v.* Ackroyd (26 L. T. N. s.  
692) 1056
- *v.* Alexander City (89 Ala.  
602; 7 So. 437) 988
- *v.* Barnes (6 Vt. 388) 442
- *v.* Beloit (19 Wis. 93) 2789
- *v.* Brooklyn (22 N. Y. App.  
Div. 520; 48 N. Y. Supp. 36) 2816,  
2818
- Barnes *v.* Chicopee (138 Mass. 67;  
52 Am. Rep. 259) 2963, 2964, 3032
- *v.* Dist. of Columbia (22 Ct. of  
Claims Rep. 366) 1239
- *v.* District of Columbia (91  
U. S. 540) 68, 154, 156, 1847, 2881,  
2882, 2909, 2976, 2992, 3007
- *v.* Dyer (56 Vt. 469) 2517, 2531,  
2567, 2571
- *v.* Glide (117 Cal. 1; 48 Pac.  
804) 2706
- *v.* Marshall County (56 Iowa,  
20; 8 N. W. 677) 2676
- *v.* Multnomah County (145  
Fed. Rep. 695) 1580
- *v.* Newton (46 Iowa, 567) 2984,  
3019
- *v.* Parsons (77 Kan. 311; 94  
Pac. 151) 1809, 1820
- *v.* Philadelphia, N. & N. Y. R.  
Co. (27 Pa. Super. Ct. 84) 1845
- *v.* Suddard (117 Ill. 237; 7 N.  
E. 477) 1581
- *v.* Turner (14 Okla. 284; 78  
Pac. 108; 10 L. R. A. N. s. 478) 1313
- *v.* Ward (9. C. B. 392) 3029
- Barnesville *v.* Murphey (113 Ga.  
779; 39 S. E. 413) 2784
- Barnet *v.* Abbott (53 Vt. 120) 683
- Barnett *v.* Atlanta (109 Ga. 166;  
34 S. E. 322) 977
- *v.* Contra Costa County (67  
Cal. 77; 7 Pac. 177) 3011
- *v.* Denison (145 U. S. 135) 449,  
1379
- *v.* Jefferson County (9 Watts  
[Pa.] 166) 628
- *v.* Johnson (15 N. J. Eq. 481) 1859,  
1883
- *v.* Newark (28 Ill. 62) 945
- Barney *v.* Baltimore (1 Hughes C.  
C. 118) 511, 1702
- *v.* Bush (9 Ala. 345) 762
- *v.* Keokuk (94 U. S. 324; s. c.  
4 Dillon 593) 474, 475, 477, 482, 484,  
497, 501, 502, 508, 510, 511, 1694,  
1700, 1701, 1702, 1722, 1754, 1771,  
1787, 1794, 1797, 1933, 2012
- *v.* Lowell (98 Mass. 570) 2901
- *v.* New York City (193 U. S.  
430) 918
- Barney Dumping-Boat Co. *v.* New  
York (40 Fed. Rep. 50) 2900
- Barns *v.* Hannibal (71 Mo. 449) 3036,  
3037
- Barnum *v.* Baltimore (62 Md. 275;  
50 Am. Rep. 219) 1569, 2755
- *v.* Gilman (27 Minn. 466; 8  
N. W. 375; 38 Am. Rep. 304) 640
- *v.* Okolona (148 U. S. 393) 580,  
1335, 1375
- *v.* Sullivan County (137 N. Y.  
179; 33 N. E. 162) 380

[References are to pages]

Barnwell v. Marion (56 So. Car. 54; 36 S. E. 818)	441	Barrs v. Jackson (1 Phillips, 582)	2731
Barr v. Auburn (89 Ill. 361)	874	Barry v. Edmunds (116 U. S. 550, 563)	776
— v. Bainbridge (59 N. Y. Supp. 132; 42 N. Y. App. Div. 628)	3020	— v. Goad (89 Cal. 215; 26 Pac. 785)	2763
— v. Deniston (19 N. H. 170)	2771, 2786	— v. Lowell (8 Allen [Mass.] 127; 85 Am. Dec. 690)	3041, 3050, 3055
— v. New Brunswick (58 N. J. L. 255; 33 Atl. 477)	908, 1655	— v. Merch. Ex. Co. (1 Sandf. Ch. 280)	523
— v. Oskaloosa (45 Iowa, 275)	1835	— v. Smith (191 Mass. 78; 77 N. E. 1099; 5 L. R. A. N. S. 1028)	678, 772, 773, 775, 2896
— v. Philadelphia (191 Pa. 438; 43 Atl. 335)	429	— v. St. Louis (17 Mo. 121)	3023, 3025, 3026
Barracrough v. Johnson (8 A. & E. 99)	1707	Bartemeyer v. Iowa (18 Wall. [U. S.] 129)	2351
Barre v. Fleming (29 W. Va. 314; 1 S. E. 731)	494	Barter v. Commonwealth (3 Pa. 253)	952, 961, 968, 975, 1120, 1121, 1126, 1132, 1810, 1826, 1849, 1889, 1890
— v. Greenwich (1 Pick. [Mass.] 120)	636	Barthel v. Meader (72 Iowa, 125; 33 N. W. 446)	1511
Barree v. Cape Girardeau (132 Mo. App. 182; 112 S. W. 724)	2883	Barthet v. New Orleans (24 Fed. Rep. 563)	935, 990, 1012, 1049
Barret v. Falls City Artificial Stone Co. ([Ky.], 52 S. W. 947)	2456	Barthold v. Philadelphia (154 Pa. 109; 26 Atl. 304)	2892, 2915
— v. Henderson (4 Bush [Ky.] 255)	2406, 2459	Bartholomew v. Austin (85 Fed. Rep. 359; 107 Fed. Rep. 349)	2160, 2175
— v. Mobile (129 Ala. 179; 30 So. 36)	2814, 2815	— v. First National Bank (18 Wash. 683; 52 Pac. 239)	441
Barrett v. Brooks (21 Iowa, 144)	28, 1767, 1801, 1802, 1834	— v. Harwinton (33 Conn. 408)	232
— v. Falmouth (109 Ky. 151; 58 S. W. 520)	735	Bartholomew County v. Bright (18 Ind. 93)	1325
— v. Kemp (91 Iowa, 296; 59 N. W. 76)	1640	Bartle v. Des Moines (38 Iowa, 414)	377
— v. New Orleans (13 La. An. 105)	1560	Bartleson v. Minneapolis (33 Minn. 468; 23 N. W. 839)	1646
— v. Ocean City (62 N. J. Law, 588; 41 Atl. 946)	1221	Bartlett v. Bangor (67 Me. 460)	1676, 1690, 1716, 1727, 1742, 1806
— v. Schuyler County Ct. (44 Mo. 197)	1325, 1360	— v. Beardmore (74 Wis. 485; 43 N. W. 492)	1736
Barre Water Co., <i>In re</i> (62 Vt. 27; 20 Atl. 109)	2126	— v. Boston Gasl. Co. (117 Mass. 533; 19 Am. Rep. 421)	3031
Barribeau v. Detroit (147 Mich. 119; 110 N. W. 512)	2820	— v. Clarksburg (45 W. Va. 393; 31 S. E. 918; 43 L. R. A. 295; 72 Am. St. Rep. 817)	2839, 2880, 2980
Barrington v. Commercial Dock Co. (15 Wash. 170; 45 Pac. 748; 33 L. R. A. 116)	478	— v. Crosier (17 Johns. [N. Y.] 439; 8 Am. Dec. 428)	769, 1833, 2694, 2857
— v. Meyer (103 Ill. App. 124)	2926	— v. Eau Claire County (112 Wis. 237; 88 N. W. 61)	882, 942
Barron v. Baltimore (2 Am. Jur. 203)	512, 3037, 3053	— v. Freeport School Board (59 Ill. 364)	680
— v. Baltimore (7 Pet. [U. S.] 248)	1602	— v. Kittery (68 Me. 358)	2978, 3015, 3021
— v. Burnside (121 U. S. 186)	2358	— v. Municipality of Amherst- berg (14 Up. Can. Q. B. 152)	1189
— v. Detroit (94 Mich. 601; 54 N. W. 273; 19 L. R. A. 452; 34 Am. St. Rep. 366)	2915	— v. State (13 Kan. 99)	2728
Barrow v. Davis (46 Mo. 394)	2765, 2771	— v. Tarrytown (55 Hun [N. Y.] 492; 8 N. Y. Supp. 739)	2923
— v. Nashville & C. Turnp. Co. (9 Humph. [Tenn.] 304)	1581		
Barrows v. Sycamore (150 Ill. 588; 37 N. E. 1096; 25 L. R. A. 535)	1788, 1790, 1825, 1826, 1831, 1911		
Barrow Steamship Co. v. Kane (170 U. S. 100)	2358		

[References are to pages]

- Bartley *v.* State (53 Neb. 310; 73 N. W. 744) 1295  
 Barto *v.* Himrod (8 N. Y. 483; 59 Am. Dec. 506) 128, 570  
 — *v.* San Francisco (135 Cal. 494; 67 Pac. 758) 2773  
 Barton *v.* Gadsden (79 Ala. 495) 920  
 — *v.* Kansas City (110 Mo. App. 31; 83 S. W. 1093) 2641  
 — *v.* Montpelier (30 Vt. 650) 2968  
 — *v.* New Orleans (16 La. An. 317) 731, 733, 1031  
 — *v.* Riverside Water Co. (155 Cal. 509; 101 Pac. 790; 23 L. R. A. N. S. 331) 2308  
 — *v.* Syracuse (36 N. Y. 54; 37 Barb. [N. Y.] 292) 2903, 3016, 3021, 3039, 3052, 3053, 3054, 3055, 3057  
 Bass *v.* Columbus (30 Ga. 845) 1524  
 — *v.* Fontleroy (11 Tex. 698) 185, 198, 236  
 — *v.* People (203 Ill. 206; 67 N. E. 806) 2609  
 — *v.* Shakopee (27 Minn. 250; 4 N. W. 619; 6 N. W. 776) 2723, 2750  
 Basselin *v.* Pate (30 N. Y. Misc. 368; 63 N. Y. Supp. 653) 2778  
 Bassett *v.* Barbin (11 La. An. 672) 2674  
 — *v.* El Paso (88 Tex. 168; 30 S. W. 893) 421, 422, 427  
 — *v.* Fish (75 N. Y. 303; s. c. 12 Hun [N. Y.] 209) 66, 2860, 2889  
 — *v.* Harwich (180 Mass. 585; 62 N. E. 974) 1710, 1729  
 — *v.* New Haven (76 Conn. 70; 55 Atl. 579) 2618  
 — *v.* Porter (4 Cush. [Mass.] 487) 442  
 — *v.* St. Joseph (53 Mo. 290; 14 Am. Rep. 446) 1043, 2963, 2970, 2974, 2991, 2998, 3013  
 Bassford, Matter of (36 N. Y. Misc. 732; 74 N. Y. Supp. 397) 1660  
 —, *In re* (50 N. Y. 509) 947, 2609  
 Bass Foundry & Machine Works *v.* Parke County (115 Ind. 234; 17 N. E. 593) 1198  
 Bastable *v.* Syracuse (8 Hun [N. Y.] 587; s. c. 72 N. Y. 64) 3044  
 Batchelder *v.* White (28 R. I. 466; 68 Atl. 320) 2817, 2820  
 Bateman *v.* Ashton-under-Lyne (3 H. & N. 322) 1139, 1154  
 — *v.* Bluck (14 E. L. & Eq. 69) 1743  
 — *v.* Hamilton (33 Up. Can. Q. B. 251) 3021  
 — *v.* Megowan (1 Met. [Ky.] 533) 649, 1135  
 — *v.* Mid-Wales Railway Co. (Law Rep. 1 C. P. 510) 522, 524, 540, 543, 1233, 1326, 1328  
 Bateman *v.* Poplar Dist. Bd. of W. (L. R. 33 Ch. Div. 360) 3048  
 Bates *v.* Bassett (60 Vt. 530; 15 Atl. 200; 1 L. R. A. 166) 1595  
 — *v.* Beloit (103 Wis. 90; 78 N. W. 1102) 1695, 1747  
 — *v.* Gerber (82 Cal. 550; 22 Pac. 1115) 1392  
 — *v.* Gregory (89 Cal. 387; 26 Pac. 891) 599, 624  
 — *v.* Hastings (145 Mich. 574; 108 N. W. 1005) 2763  
 — *v.* Holbrook (171 N. Y. 460; 64 N. E. 181, aff'g 67 N. Y. App. Div. 25; 73 N. Y. Supp. 417) 1863, 2960, 3034  
 — *v.* Horner (65 Vt. 471; 27 Atl. 134; 22 L. R. A. 824) 767, 771  
 — *v.* Houston (14 Tex. Civ. App. 287; 37 S. W. 383) 2896, 2898  
 — *v.* Mobile (46 Ala. 158) 2408, 2476  
 — *v.* Nome (1 Alaska, 208) 2767, 2770  
 — *v.* Plymouth (14 Gray [Mass.] 163) 886, 2673, 2708  
 — *v.* Riverside Indep. School Dist. (25 Fed. Rep. 192) 1427  
 — *v.* St. Louis (153 Mo. 18; 54 S. W. 439; 77 Am. St. Rep. 701) 732  
 Bates County *v.* Winters (97 U. S. 83; 112 U. S. 325) 1508, 1515, 1516  
 Bateson *v.* Detroit (143 Mich. 582; 106 N. W. 882) 2828  
 Bath *v.* Blake (97 Ill. App. 35) 2972  
 Bath County *v.* Amy (13 Wall. [U. S.] 244) 1394, 2690, 2694  
 Batho *v.* Salter (Latch, 54) 741  
 Bath T. Com'rs *v.* Boyd (1 Ire. [N. Car.] Law, 194) 1754, 1793  
 Bathurst *v.* MacPherson (L. R. 4 Appeal Cases, 256) 2809, 2902, 2904, 2905  
 Baton Rouge *v.* Cremonini (36 La. An. 247) 930  
 — *v.* Deering (15 La. An. 208) 1119  
 — *v.* Spalding (8 La. An. 87) 2469  
 Batterman *v.* New York (65 N. Y. App. Div. 576; 73 N. Y. Supp. 44) 2224, 2574  
 Battersby *v.* New York (7 Daly [N. Y.] 16) 2966  
 Batterton *v.* Fuller (6 S. Dak. 257; 60 N. W. 1071) 640  
 Battery Park Bank *v.* Madison County (135 N. Car. 230; 47 S. E. 1016) 1359, 1493  
 Battis, *Ex parte* (40 Tex. Crim. App. 112; 48 S. W. 513; 43 L. R. A. 863) 925, 926, 1854  
 Battle *v.* Mobile (9 Ala. 234) 2396, 2417  
 Battle Creek & S. R. Co. *v.* Tiffany (99 Mich. 471; 58 N. W. 617) 1614



# TABLE OF CASES CITED

29

[References are to pages]

Batty v. Duxbury (24 Vt. 155)	2978, 3034, 3035	Baxter v. Winooski Turnp. Co. (22 Vt. 114; 52 Am. Dec. 84)	1818, 2857, 2957
— v. Hastings (63 Neb. 26; 88 N. W. 139)	2451, 2596, 2606	Baxter Springs v. Baxter Springs Lt. & Power Co. (64 Kan. 591; 68 Pac. 63)	457, 1187, 2294
Baudistel v. Jackson (110 Mich. 357; 68 N. W. 292)	1843	Bay v. Davidson (133 Iowa, 688; 111 N. W. 25; 9 L. R. A. n. s. 1014; 119 Am. St. Rep. 650)	1142, 1150
— v. Michigan Cent. R. Co. (113 Mich. 687; 71 N. W. 1114)	1843	Bayard v. Baker (76 Iowa, 220; 40 N. W. 818)	874, 947, 950
Bauer v. Casey (26 Ohio Cir. Rep. 598; 16 Ohio Cir. Dec. 598)	1029	— v. Hargrove (45 Ga. 342)	1762, 1845
— v. Franklin County (51 Mo. 205)	1287	— v. Klinge (16 Minn. 249)	657, 660
— v. Indianapolis (99 Ind. 56)	2985	— v. United States (127 U. S. 246)	2659
— v. Rochester (59 Hun, 616; 12 N. Y. Supp. 418)	3016	Bay City Gas L. Co. v. Industrial Works (28 Mich. 182)	486, 501, 503
— v. School District No. 127 (78 Mo. App. 442)	1384, 1386	Bayerque v. San Francisco (1 McAllister, 175)	1288, 1299, 1305
Baugan v. Mann (59 Ill. 492)	1702	Bayle v. New Orleans (23 Fed. Rep. 843)	2765
Baughman v. Heinselmann (180 Ill. 251; 54 N. E. 313)	1820, 3044	Bayley v. Taber (5 Mass. 286; 4 Am. Dec. 57)	1372
Baum v. Whatcom County (19 Wash. 626; 54 Pac. 29)	1268	Bayne v. Jenkins (66 N. Car. 356)	2721
Bauman v. Campau (58 Mich. 444; 25 N. W. 391)	2838	Bayonne v. East Jersey T. & T. Co. (61 N. J. L. 136; 38 Atl. 752)	1955
— v. Ross (167 U. S. 548)	1627, 1680, 2316, 2364, 2493, 2518, 2520, 2537	— v. Ford (43 N. J. L. 292)	1747
— v. St. Pancras (L. R. 2. Q. B. 528)	1882	— v. Herdt (40 N. J. L. 264)	962, 963
Baumann v. Duluth (67 Minn. 283; 69 N. W. 919)	1383	— v. Morris (61 N. J. L. 127; 38 Atl. 819)	2614
— v. Granite Sav. Bank & Trust Co., (66 Minn. 227; 68 N. W. 1074)	441	— v. North Arlington ([N. J. Eq.], 75 Atl. 558)	2656, 2657
Baumgard v. New Orleans (9 La. 119; 29 Am. Dec. 437)	2877	Bay St. Louis v. Hancock County (80 Miss. 364; 32 So. 54)	1888, 1897
Baumgartner v. Hasty (100 Ind. 575; 50 Am. Rep. 830)	96, 1035, 1104, 1105, 1107	Bay State Brick Co. v. Foster (115 Mass. 431)	1991
Bausher v. St. Paul (72 Minn. 539; 75 N. W. 745)	2815	Beach v. Elmira (11 N. Y. Supp. 913; s. c. 58 Hun, 606)	3042
Baustian v. Young (152 Mo. 317; 53 S. W. 921; 75 Am. St. Rep. 462)	2985, 2986	— v. Frankenberger (4 W. Va. 712)	3032
Baxendale v. London, C. & D. R. Co. (10 Ex. 35)	3033	— v. Haynes (12 Vt. 15)	1564, 1569, 1582
Baxley v. Holton (114 Ga. 724; 40 S. E. 728)	732	— v. Kent (142 Mich. 347; 105 N. W. 867)	871
Baxter v. Beacon (112 Iowa, 744; 84 N. W. 932)	666	— v. Leahy (11 Kan. 23)	62, 66, 132, 334
— v. Cedar Rapids (103 Iowa, 599; 72 N. W. 790)	2960, 2999, 3014	— v. People (157 Ill. 659; 41 N. E. 1117)	2453
— v. Commonwealth (3 Pa. [Pen. & W.] 253)	957	Beachy v. Lamkin (1 Idaho, 48)	2718, 2725
— v. Jersey City (36 N. J. L. 188)	2537	Beadles v. Fry (15 Okla. 428; 82 Pac. 1041; 2 L. R. A. n. s. 855)	1585
— v. Kerr (23 Grant [Can.] 367)	2758	— v. Smyser (17 Okla. 162; 87 Pac. 292)	1585
— v. Providence (12 R. I. 310)	3041, 3046	Beal v. McVicker (3 Mo. App. 592)	470
— v. Thomas (4 Okla. 605; 46 Pac. 479)	2326	— v. McVicker (8 Mo. App. 202)	742
— v. Tripp (12 R. I. 310)	1157	Bealafeld v. Verona (188 Pa. St. 627; 41 Atl. 651)	3050

## TABLE OF CASES CITED

[References are to pages]

- Beale *v.* Boston (166 Mass. 53; 43 N. E. 1029) 1674
- Beall *v.* Seattle (28 Wash. 593; 69 Pac. 12; 61 L. R. A. 583) 2983
- Beals *v.* Brookline (174 Mass. 1; 54 N. E. 339) 2613, 3043
- *v.* Fidelity & Deposit Co. (76 N. Y. App. Div. 526; 78 N. Y. Supp. 584, aff'd 178 N. Y. 581; 70 N. E. 1095) 1271
- *v.* Providence Rubber Co. (11 R. I. 381; 23 Am. Rep. 472) 2573
- Beamair *v.* Bd. of Police (42 Miss. 238; s. c. 15 Wall. 566) 524
- Bean *v.* Clausen (113 N. Y. App. Div. 129; 99 N. Y. Supp. 44) 715
- *v.* Hyde Park (143 Mass. 245; 9 N. E. 639) 1174
- *v.* Jay (23 Me. 117) 832, 1238, 1239
- *v.* Middlesboro ([Ky.], 57 S. W. 478) 2883
- Bearce *v.* Fossett (34 Me. 575) 830
- Beard *v.* Brooklyn (31 Barb. [N. Y.] 142) 1248, 1250, 1252
- *v.* Decatur (64 Tex. 7) 732, 739
- *v.* Hopkinsville (95 Ky. 239; 24 S. W. 872; 23 L. R. A. 402) 342, 356, 359, 360
- Bearden *v.* Madison (73 Ga. 184) 902
- Beardslee *v.* Dolge (143 N. Y. 160; 38 N. E. 205) 767
- *v.* French (7 Conn. 125; 18 Am. Dec. 86) 1763, 1898
- Beardsley *v.* Bridgeport (53 Conn. 489; 3 Atl. 557; 55 Am. Rep. 152) 1578
- *v.* Hartford (50 Conn. 529; 47 Am. Rep. 677) 2964
- *v.* Ontario Bank (31 Barb. [N. Y.] 619) 2424
- *v.* Smith (16 Conn. 368; 41 Am. Dec. 148) 1587, 2674, 2679, 2855, 2856
- Beardstown *v.* Clark (104 Ill. App. 568) 2998
- *v.* Smith (150 Ill. 169; 37 N. E. 211) 2999
- Beaser *v.* Barber Asphalt Pav. Co. (120 Wis. 599; 98 N. W. 525) 2601
- Beasley *v.* Beckley (28 W. Va. 81) 441, 2799
- Beaton *v.* Milwaukee (96 Wis. 416; 73 N. W. 53) 2966
- Beatrice *v.* Edminson (117 Fed. Rep. 427) 392, 1459, 1462, 1486
- *v.* Reid (41 Neb. 214; 59 N. W. 770) 2995, 3022
- Beattie *v.* Detroit (137 Mich. 319; 100 N. W. 574) 2822
- Beatty *v.* Gilmore (16 Pa. St. 463) 1787, 3000, 3004, 3024, 3028
- Beatty *v.* Knowles (4 Pet. [U. S.] 152) 440, 2399
- *v.* Kurtz (2 Pet. [U. S.] 566) 1694, 1723, 1755
- *v.* People (6 Colo. 538) 597
- Beauchamp *v.* Kankakee County (45 Ill. 274) 2770
- Beaudean *v.* Cape Girardeau (71 Mo. 392) 2974, 2998
- Beaudin *v.* Bay City (136 Mich. 333; 99 N. W. 285) 1852
- Beaudry *v.* Valdez (32 Cal. 269) 2594
- Beaufort *v.* Duncan (1 Jones [N. Car.] Law, 234) 1560, 1598
- *v.* Ohlandt (24 S. Car. 158) 1126
- Beaumont *v.* Wilkes-Barre (142 Pa. 198; 21 Atl. 888) 2503
- Beaumont Traction Co. *v.* Brock (48 Tex. Civ. App. 41; 106 S. W. 460) 1980
- Beaver *v.* Blind Asylum Trs. (19 Ohio St. 97) 1214
- Beaver Creek *v.* Hastings (52 Mich. 528; 18 N. W. 250) 865, 866
- Beaver Dam *v.* Frings (17 Wis. 398) 1561
- Beazan *v.* Mason City (58 Iowa, 233; 12 N. W. 279) 2984
- Beazley *v.* Kennedy ([Tenn. Ch. App.], 52 S. W. 791) 1209
- Bechtel *v.* Carslake (11 N. J. Eq. 500) 1789, 1790
- *v.* Edgewater (45 Hun [N. Y.] 240) 614
- *v.* Fry (217 Pa. 591; 66 Atl. 992) 1292
- Beck *v.* Buffalo (50 N. Y. App. Div. 621; 63 N. Y. Supp. 499) 2967, 3002
- *v.* Carter (68 N. Y. 283; 23 Am. Rep. 175) 3032
- *v.* Ferd Heim Brewing Co. (167 Mo. 195; 66 S. W. 928) 3029
- *v.* Hanscom (29 N. H. 213) 720, 863
- *v.* Holland (29 Mont. 234; 74 Pac. 410) 2538
- *v.* Kittanning Water Co. ([Pa.], 11 Atl. 300) 2304
- *v.* Obst (12 Bush [Ky.] 268) 2527
- *v.* St. Paul (87 Minn. 381; 92 N. W. 328) 344
- Becker *v.* Baltimore & O. S. W. R. Co. (17 Ind. App. 324; 46 N. E. 685) 2455
- *v.* Henderson (100 Ky. 450; 38 S. W. 857) 874, 910
- *v.* Keokuk Water Works (79 Iowa, 419; 44 N. W. 694; 18 Am. St. Rep. 377) 2304, 2305
- *v.* La Crosse (99 Wis. 414; 75 N. W. 84; 40 L. R. A. 829; 67 Am. St. Rep. 874) 1603

## TABLE OF CASES CITED

31

[References are to pages]

- Becker v. Metropolitan Elev. R. Co.** (131 N. Y. 509; 30 N. E. 499) 2044
- *v. New York* (176 N. Y. 441; 68 N. E. 855) 1230, 1236
- *v. St. Charles* (37 Mo. 13) 1689, 1724, 1740
- *v. Washington* (94 Mo. 375; 7 S. W. 291) 913, 981
- Becket v. Morse** (4 Cal. App. 228; 87 Pac. 408) 1220
- Beckett v. Midland R. Co.** (L. R. 3 C. P. 82; s. c. L. R. 1 C. P. 241) 1611, 2934, 2935
- *v. Portland* (53 Oreg. 169; 99 Pac. 659) 2619
- Beckrich v. North Tonawanda** (171 N. Y. 292; 64 N. E. 6, rev'g 57 N. Y. App. Div. 563; 67 N. Y. Supp. 992) 1559
- Beck St., Matter of** (19 N. Y. Misc. 571; 44 N. Y. Supp. 1087) 1743
- Beckwith v. New York** (121 N. Y. App. Div. 462; 106 N. Y. Supp. 175) 1223
- *v. Philby* (6 B. & C. 635) 676
- *v. Racine* (7 Biss. [U. S.] 142) 601
- Bedard v. Hall** (44 Ill. 91) 2544
- Bedell v. Sea Cliff** (18 N. Y. App. Div. 261; 46 N. Y. Supp. 226) 3043
- Bedford v. United States** (192 U. S. 217) 499, 1609
- *v. Willard* (133 Ind. 562; 33 N. E. 368; 36 Am. St. Rep. 563) 1888
- Bedford Bor. Sch. Dir. v. Anderson** (45 Pa. St. 388) 2646
- Bedford Union Poor Guard v. Bedford Impr. Com'rs** (7 Exch. 777) 2496, 2565, 2573
- Beebe v. Little Rock** (68 Ark. 39; 56 S. W. 791) 1583, 1758
- *v. Robinson* (52 Ala. 66) 2751
- *v. Sullivan County* (64 Hun [N. Y.] 377; 19 N. Y. Supp. 629, aff'd 142 N. Y. 631; 37 N. E. 566) 1142, 1143, 1145, 1149, 2777, 2780
- Beecher v. Derby Br. & F. Co.** (24 Conn. 491) 3004, 3005
- *v. Newark* (64 N. J. L. 475; 46 Atl. 166, aff'd 65 N. J. L. 307; 47 Atl. 466) 1868
- *v. People* (38 Mich. 289; 31 Am. Rep. 316) 1849
- Beechwood Ave. Sewer** (179 Pa. 490; 36 Atl. 209) 2560, 2613, 2616
- Beekman v. Saratoga & S. R. Co.** (3 Paige [N. Y.] 45; 22 Am. Dec. 679) 1662, 1670
- Beekman v. Third Ave. R. Co.** (153 N. Y. 144; 47 N. E. 277, aff'g 13 N. Y. App. Div. 279; 43 N. Y. Supp. 174) 1906, 1948, 1950, 1955, 2148
- Beekman Street, In re** (4 Bradf. [N. Y.] 503) 1033
- Beeney v. Irwin** (6 Colo. App. 66; 39 Pac. 900) 1292, 2677
- Beer Co. v. Massachusetts** (97 U. S. 25) 2351
- Beers v. Arkansas** (20 How. [U. S.] 527) 78
- *v. Beers* (4 Conn. 535) 1133, 1669
- *v. Botsford* (3 Day [Conn.] 159) 2855
- *v. Phoenix Glass Co.* (14 Barb. [N. Y.] 358) 523
- Beesman v. Peoria** (16 Ill. 484) 1118
- Beeson v. Chicago** (75 Fed. Rep. 880) 1963, 1964
- Beggar, In re** (34 C. Q. B. 144) 2732
- Beiling v. Evansville** (144 Ind. 644; 42 N. E. 621; 35 L. R. A. 274) 943, 1048
- Beirne v. Jersey City** (60 N. J. L. 109; 36 Atl. 778) 806
- Belcher v. Farrar** (8 Allen [Mass.] 325) 1031
- Belcher Sugar Refining Co. v. St. Louis Grain Elevator Co.** (82 Mo. 121) 1632, 1646
- Belfast Nat. Bank v. Stockton** (72 Me. 522) 2823
- Belfast Water Co. v. Belfast** (92 Me. 52; 42 Atl. 235) 2066, 2297
- Belford v. Haynes** (7 Upper Can. Q. B. 464) 1746
- Belington & N. R. Co. v. Alston** (54 W. Va. 597; 46 S. E. 612) 1664
- Belknap v. Louisville** (99 Ky. 474; 36 S. W. 1118; 59 Am. St. Rep. 478) 430, 431, 655, 662
- *v. Trimble* (3 Paige Ch. [N. Y.] 576) 1790
- Bell, In re** (25 U. S. App. 379) 2343
- *v. Allegheny County* (149 Pa. 381; 24 Atl. 209) 301, 319
- *v. Burlington* (68 Iowa, 296; 27 N. W. 245) 1732
- *v. Cincinnati* (80 Ohio St. 1; 88 N. E. 128) 2886
- *v. Clarion* (115 Iowa, 357; 88 N. W. 824) 3001
- *v. Edwards* (37 La. An. 475) 1990
- *v. Farnville, P. R. Co.* (91 Va. 99; 20 S. E. 942) 1526
- *v. Foutch* (21 Iowa, 119) 1767, 1801, 1802, 1834
- *v. Gough* (23 N. J. L. 624) 1561
- *v. Henderson* ([Ky.], 74 S. W. 206) 3019



[References are to pages]

- Bell v. Kirkland* (102 Minn. 213; 113 N. W. 271; 13 L. R. A. n. s. 793; 120 Am. St. Rep. 621) 1179, 1263  
 — *v. Maish* (137 Ind. 226; 36 N. E. 1118) 334  
 — *v. Newton* (183 Mass. 481; 67 N. E. 599) 2627  
 — *v. New York* (46 N. Y. App. Div. 195; 61 N. Y. Supp. 709) 736, 737  
 — *v. New York* (77 N. Y. App. Div. 437; 79 N. Y. Supp. 347) 490  
 — *v. Ohio & Pa. R. Co.* (25 Pa. St. 161; 64 Am. Dec. 687) 1760  
 — *v. Pierce* (51 N. Y. 12) 2408  
 — *v. Platteville* (71 Wis. 139; 36 N. W. 831) 77, 449, 552, 1581, 1595  
 — *v. Quin* (2 Sandf. [N. Y.] 146) 1146, 1150  
 — *v. Rochester* (30 N. Y. Supp. 365) 2748  
 — *v. Spokane* (30 Wash. 508; 71 Pac. 31) 2820  
 — *v. Todd* (51 Mich. 21; 16 N. W. 304) 1722  
 — *v. Waynesboro* (195 Pa. St. 299; 45 Atl. 930) 432  
*Bellaire v. Baltimore & O. R. Co.* (146 U. S. 117) 1604  
*Bellamy v. Atlanta* (75 Ga. 167) 3015  
*Bell & Manvers, In re* (2 Upper Can. C. P. 507) 565  
*Bellar v. Beaumont* ([Tex. Civ. App.], 55 S. W. 410) 1695  
*Bell County v. Alexander* (22 Tex. 350; 73 Am. Dec. 268) 1568, 1569, 1577, 1578  
*Belle v. Glenville* (27 Ohio Cir. Ct. 181; 17 Ohio Cir. Dec. 181) 909  
*Bellefield Avenue, In re* (2 Pa. Super. Ct. 148) 1630, 1709  
*Bellenot v. Richmond* (108 Va. 314; 61 S. E. 785) 1897  
*Bellevue v. Hohn* (82 Ky. 1) 1156, 1258  
*Bellevue v. Hallowell* (41 Kan. 192; 21 Pac. 227) 1836, 1841  
 — *v. Herzler* (225 Ill. 404; 80 N. E. 269) 1820  
 — *v. Pfingsten* (225 Ill. 293; 80 N. E. 266) 1820  
 — *v. St. Clair County Turnpike Co.* (234 Ill. 428; 84 N. E. 1049; 17 L. R. A. n. s. 1071) 1800  
 — *v. Stookey* (23 Ill. 441) 1707  
*Belleville & I. R. Co. v. Gregory* (15 Ill. 20; 58 Am. Dec. 589) 137  
*Bellevue v. Bellevue Imp. Co.* (65 Neb. 52; 90 N. W. 1002) 1838, 1846  
*Bellevue Water Co. v. Bellevue* (3 Idaho, 739; 35 Pac. 693) 2167  
*Bellew v. New York, W. & C. Traction Co.* (47 N. Y. App. Div. 447; 62 N. Y. Supp. 242) 1966  
*Bellfontaine R. Co. v. Hunter* (33 Ind. 335) 3018  
*Bellinger v. Gray* (51 N. Y. 610) 2404, 2829  
 — *v. New York Cent. R. Co.* (23 N. Y. 42) 2918  
*Bellingham v. Cissna* (44 Wash. 397; 87 Pac. 481) 1087, 1088  
*Bellingham Bay & B. C. R. Co. v. New Whatcom* (172 U. S. 314, aff'g 16 Wash. 137; 47 Pac. 237) 2367  
*Bellmyer v. Marshalltown* (44 Iowa, 564) 1172  
*Bellows v. Hallowell Bank, &c.* (2 Mason C. C. 43) 605  
*Bell's Gap R. Co. v. Pennsylvania* (134 U. S. 232) 2366, 2465, 2468  
*Bell Tel. Co. v. Belleville El. L. Co.* (12 Ont. 571) 1987  
*Bellville v. Citizens' Horse R. Co.* (152 Ill. 171; 38 N. E. 584) 986, 1907, 1952, 1960, 1985  
*Belmont v. New England Brick Co.* (190 Mass. 442; 77 N. E. 504) 1061  
*Beloit v. Morgan* (7 Wall. [U. S.] 619) 627, 1397, 1536  
*Beloit, D. L. & J. R. Co. v. Macloon* (136 Wis. 218; 116 N. W. 897) 2030, 2729  
*Belser v. Allman* (134 Cal. 399; 66 Pac. 492) 1220, 2454, 2525  
*Belt Line Street R. Co. v. Crabtree* (2 Tex. App. C. C. 662) 2949  
*Belton v. Baxter* (54 N. Y. 245) 1849, 2967, 2970  
*Beltz v. Pittsburg* (26 Pa. Super. Ct. 66, aff'd 211 Pa. 561) 280  
 — *v. Yonkers* (148 N. Y. 67; 42 N. E. 401) 2961  
*Beltzhoover Borough v. Beltzhoover's Heirs* (173 Pa. 213; 33 Atl. 1047) 2573  
*Belvidere v. Crichton* (81 Ill. App. 595) 3020  
 — *v. Warren R. Co.* (34 N. J. L. 193) 2484  
*Belyea v. Port Huron* (136 Mich. 504; 99 N. W. 740) 2975, 3001  
*Bement v. Plattsburgh & M. R. Co.* (47 Barb. [N. Y.] 314) 2424  
*Bemis v. Becker* (1 Kan. 226) 621  
 — *v. Omaha* (81 Neb. 352; 116 N. W. 31) 2821  
*Benard v. Woonsocket Bobbin Co.* (23 R. I. 581; 51 Atl. 209) 3029

[References are to pages]

- Benbow v. Iowa City** (7 Wall. [U. S.] 313) 2680, 2686
- Bender v. Minden** (124 Iowa, 685; 100 N. W. 352) 2999
- *v. Streabich* (182 Pa. 251; 37 Atl. 853) 1596
- Benedict v. Denton** (Walk. Ch. 336) 631
- *v. Fond du Lac* (44 Wis. 495) 3018
- *v. Goit* (3 Barb. [N. Y.] 459) 1793, 2923
- *v. New York* (98 Fed. Rep. 789) 1677
- Benedictine Order v. Central Covington** (99 Ky. 9; 34 S. W. 896) 2428
- Benfield v. Hines** (13 La. An. 420) 1012
- Benevolent Assoc. v. Farwell** (100 Ill. 197, aff'g 5 Ill. App. 240; s. c. 4 Ill. App. 36) 755
- Beniteau v. Detroit** (41 Mich. 116; 1 N. W. 899) 1197, 1220
- Benjamin v. Dockham** (134 Mass. 418) 1274
- *v. Metropolitan S. R. Co.* (133 Mo. 274; 34 S. W. 590) 3028
- *v. Webster* (100 Ind. 15) 452
- *v. Wheeler* (8 Gray [Mass.] 409) 459, 768, 2918, 2922, 2936
- Benner v. Atlantic Dredging Co.** (134 N. Y. 156; 31 N. E. 328; 17 L. R. A. 220; 30 Am. St. Rep. 649) 498
- Benness v. State** (124 Ala. 97; 26 So. 942) 2708
- Bennet v. Norton** (171 Pa. 221; 32 Atl. 1112) 312
- Bennett v. Baltimore** (106 Md. 484; 68 Atl. 14) 2763, 2769
- *v. Birmingham* (31 Pa. St. 15) 996, 2460, 2477
- *v. Buffalo* (17 N. Y. 383) 2488, 2826, 2878
- *v. Davis* (90 Me. 102; 37 Atl. 864) 2369
- *v. Eastchester Gaslight Co.* (40 N. Y. App. Div. 169; 57 N. Y. Supp. 847) 2218
- *v. Emmetsburgh* (138 Iowa, 67; 115 N. W. 582) 2603, 2608
- *v. Fifield* (13 R. I. 139; 43 Am. Rep. 17) 2963, 2970, 2977
- *v. Fisher* (26 Iowa, 497) 1631
- *v. Long Island R. Co.* (181 N. Y. 431; 74 N. E. 418, aff'g 89 N. Y. App. Div. 379; 85 N. Y. Supp. 938) 2039
- *v. Lovell* (12 R. I. 166; 34 Am. Rep. 628) 2978
- *v. Marion* (106 Iowa, 628; 76 N. W. 844) 441, 1640, 1642, 1674
- *v. Marion* (119 Iowa, 473; 93 N. W. 558) 3053
- Bennett v. Mt. Vernon** (124 Iowa, 537; 100 N. W. 349) 1155, 1869, 1910, 2117, 2913, 3022, 3025, 3026, 3038
- *v. Nat. Starch Mfg. Co.* (103 Iowa, 207; 72 N. W. 507) 484
- *v. Nebagamon* (122 Wis. 295; 99 N. W. 1040) 1348
- *v. New Bedford* (110 Mass. 433) 869
- *v. New Orleans* (14 La. 120) 2839, 2882, 2918, 3040
- *v. People* (30 Ill. 389) 996
- *v. Pulaski* ([Tenn. Ch. App.], 52 S. W. 913; 47 L. R. A. 278) 1017, 1018, 1019
- *v. Sing Sing* (60 Hun [N. Y.] 579; 14 N. Y. Supp. 463) 2965
- *v. Trenton* (55 N. J. L. 72; 25 Atl. 113) 290
- *v. Whitney* (94 N. Y. 302) 767, 770, 774
- Bennett Water Co. v. Millvale** (200 Pa. 613; 50 Atl. 155; s. c. 202 Pa. 616; 51 Atl. 1098) 2170, 2204
- Bennington v. Smith** (29 Vt. 254) 1800
- Bennison v. Galveston** (18 Tex. Civ App. 20; 44 S. W. 613) 2593, 2631
- *v. Galveston* (34 Tex. Civ. App. 382; 78 S. W. 1080, 1089) 444, 602
- Benoist v. Carondelet** (8 Mo. 240) 631
- *v. St. Louis* (15 Mo. 668) 2425
- *v. St. Louis* (19 Mo. 179) 2456, 2457
- Benoit v. Conway** (10 Allen [Mass.] 525) 456, 544
- Benson v. Albany** (24 Barb. [N. Y.] 248) 135, 1534
- *v. Bloomfield* (58 N. J. L. 491; 33 Atl. 855) 320
- *v. Carmel* (8 Me. 112) 1291,
- *v. Hoboken* (33 N. J. L. 280) 996, 2462
- *v. Monroe* (7 Cush. [Mass.] 125; 54 Am. Dec. 716) 2827, 2828, 2834, 2835
- *v. Morrow* (61 Mo. 345) 487, 1702
- *v. New York* (10 Barb. [N. Y.] 223) 519
- *v. St. Paul, M. & M. R. Co.* (73 Minn. 481; 76 N. W. 261) 1705
- Bent v. Wakefield, &c. Bank** (L. R. 4 C. P. Div. 1) 552
- Bentley v. Atlanta** (92 Ga. 623; 18 S. E. 1013) 2947, 3034
- *v. Chicago Co. Com'rs* (25 Minn. 259) 450, 1169, 1185
- Bently v. Phelps** (27 Barb. [N. Y.] 524) 743

[References are to pages]

- Benton *v.* Boston City Hospital  
(140 Mass. 13; 1 N. E. 836) 2896,  
2897
- *v.* Brookline (151 Mass. 250;  
23 N. E. 846) 1675
- *v.* Goodale (66 N. H. 424; 30  
Atl. 1121) 2831
- *v.* Hamilton (110 Ind. 294;  
11 N. E. 238) 1142
- *v.* Jackson (2 Johns. Ch. 325) 120
- *v.* Scott (168 Mo. 378; 68  
S. W. 78) 420
- Bentz *v.* Armstrong (8 Watts & S.  
40; 42 Am. Dec. 265) 3043, 3045
- Benwell *v.* Newark (55 N. J. Eq.  
260; 36 Atl. 668) 1351, 1519
- Benwood *v.* Wheeling R. Co. (53  
W. Va. 465; 44 S. E. 271) 875
- Berdel *v.* Chicago (217 Ill. 429;  
75 N. E. 386) 2517, 2548
- Beresford *v.* Donaldson (54 N. Y.  
Misc. 138; 103 N. Y. Supp. 600)  
2777, 2780
- Beresheim *v.* Arnd (117 Iowa, 83;  
90 N. W. 506) 2442
- Berg *v.* Milwaukee (83 Wis. 599;  
53 N. W. 890) 3000
- Bergen *v.* Anderson (62 Minn. 232;  
64 N. W. 561) 2489
- *v.* Clarkson (6 N. J. L. 352) 552,  
866, 957, 962, 1561, 2483
- *v.* State (32 N. J. L. 490) 984
- Bergen County Freeholders *v.*  
Mer. Ex. Nat. Bank of N. Y.  
(12 Fed. Rep. 743) 1430
- Berger *v.* Content (47 N. Y. Misc.  
390; 94 N. Y. Supp. 12) 3028
- *v.* New York (65 N. Y. App.  
Div. 394; 73 N. Y. Supp. 74) 2967
- Bergman *v.* Cleveland (40 Ohio  
St. 651) 1020
- *v.* St. Louis, I. M. & S. R. Co.  
(88 Mo. 678) 909, 2067
- Berka *v.* Woodward (125 Cal. 119;  
57 Pac. 777; 45 L. R. A. 420;  
73 Am. St. Rep. 31) 1148, 1149, 1150
- Berkey *v.* Thompson (126 Iowa,  
394; 102 N. W. 134) 2797
- Berkley *v.* Union Pacific Ry. Co.  
(33 Fed. Rep. 794) 1562
- Berks & D. Turnpike Road *v.*  
Myers (6 Serg. & Rawle [Pa.] 12;  
9 Am. Dec. 402) 609, 610
- Berks County *v.* Reading City  
Passr. R. Co. (167 Pa. 102; 31  
Atl. 474, 663) 1957
- Berlin *v.* Gorham (34 N. H. 266) 127,  
143
- Berliner *v.* Waterloo (14 Wis. 378)  
1519, 1536
- Berlin Iron Bridge Co. *v.* San  
Antonio (62 Fed. Rep. 882) 419,  
1180, 1192
- Bernards *v.* Allen (61 N. J. L. 228;  
39 Atl. 716; s. c. 57 N. J. L.  
303; 31 Atl. 219) 2514
- Bernards Township *v.* Morrison  
(133 U. S. 523) 143, 1461, 1464,  
1466, 1471
- *v.* Stebbins (109 U. S. 341) 1351,  
1376
- Berndt *v.* Cudahy (141 Wis. 457;  
124 N. W. 511) 2821
- Bernhard *v.* Rochester (127 N. Y.  
App. Div. 875; 112 N. Y.  
Supp. 229) 1824
- *v.* Wyandotte (33 Kan. 465;  
6 Pac. 617) 683
- Bernreither *v.* New York City  
(123 N. Y. App. Div. 291; 107  
N. Y. Supp. 1006, aff'd 196  
N. Y. 506; 89 N. E. 1096, 2815, 2816
- Bernstein *v.* Downs (112 Cal. 197;  
44 Pac. 557) 1278
- Beroujohn *v.* Mobile (27 Ala. 58) 1034
- Berrien Springs Water Power Co.  
*v.* Berrien Circuit Judge (133  
Mich. 48; 94 N. W. 379; 103  
Am. St. Rep. 438) 2126
- Berry, The George E. (25 Fed.  
Rep. 780) 504
- , *In re* (147 Cal. 523; 82 Pac.  
44; 109 Am. St. Rep. 160) 929,  
989, 1088
- *v.* Brislan (86 Ky. 5; 4 S. W.  
794) 972
- *v.* Chicago (192 Ill. 154; 61  
N. E. 498) 985
- *v.* Cramer (58 N. J. L. 278;  
33 Atl. 201) 297
- *v.* Tacoma (12 Wash. 3; 40  
Pac. 414) 1223
- Berry-Horn Coal Co. *v.* Scruggs-  
McClure Coal Co. (62 Mo. App.  
93) 1868
- Berryman *v.* Port Burwell Harbor  
Co. (24 Upper Can. Q. B. 34) 516
- *v.* Wise (4 Term. R. 366) 678
- Bertemeyer *v.* Iowa (18 Wall. [U.S.]  
129) 556
- Bertholf *v.* O'Reilly (74 N. Y. 509;  
30 Am. Rep. 323) 205
- Bertrand *v.* Vermilion (28 La.  
An. 588) 1340
- Berube *v.* Wheeler (128 Mich. 32;  
87 N. W. 50) 2710
- Berwick *v.* Oswald (1 E. & B. 295) 684
- Berwind *v.* Galveston & H. Inv't.  
Co. (20 Tex. Civ. App. 426; 50  
S. W. 413) 1180, 2629, 2630
- Bessemer *v.* Bessemer City Water  
Works Co. (152 Ala. 391; 44  
So. 663) 2239, 2242
- Bessette *v.* People (193 Ill. 334;  
62 N. E. 215; 56 L. R. A. 558) 281,  
440, 1008, 2463

## TABLE OF CASES CITED

35

[References are to pages]

- Bessonies v. Indianapolis* (71 Ind. 189) 935, 1031  
*Bestor v. Powers* (7 Ill. 126) 632  
*Betham v. Philadelphia* (196 Pa. 302; 46 Atl. 448) 1769, 2838, 2868, 2869, 2884  
*Bethany v. Howard* (149 Mo. 504; 51 S. W. 94) 1269  
*Bethum v. Turner* (1 Me. 111) 1757  
*Bethune v. Hughes* (28 Ga. 560; 73 Am. Dec. 789) 1073, 1078  
*Betterly v. Scranton* (208 Pa. 370; 57 Atl. 768) 3052  
*Betts v. Gloversville* (56 Hun [N. Y.] 639; 8 N. Y. Supp. 795) 2967  
*— v. Williamsburg* (18 Pa. St. 26) 1665  
*Betz v. Limingi* (46 La. An. 1113; 15 So. 385; 49 Am. St. Rep. 344) 2986  
*Beun v. Hatcher* (81 Va. 25) 1755  
*Beurhaus v. Cole* (94 Wis. 617; 69 N. W. 986) 1568, 1569, 1577, 1578  
*Beutel v. Bay Circuit Judge* (124 Mich. 521; 83 N. W. 278) 1845  
*— v. West Bay Sugar Co.* (132 Mich. 587; 94 N. W. 202) 1843  
*Beveridge v. Creelman* (42 Up. Can. Q. B. 29) 1707  
*— v. Livingstone* (54 Cal. 54) 2633, 2634  
*Beverley v. Barlow* (10 Upper Can. Q. B. 178) 609, 684  
*Bew v. State* (71 Miss. 1; 13 So. 868) 1385  
*Beyer v. North Tonawanda* (183 N. Y. 338; 76 N. E. 214) 2820  
*Beygeh v. Chicago* (65 Ill. 189; s. c. 4 Chicago Legal News, 121) 2638  
*Bibb v. Gaston* (146 Ala. 434; 40 So. 936) 2707  
*Bibb County v. Central R. & B. Co.* (40 Ga. 646) 2423  
*Bibbins v. Clark* (90 Iowa, 230; 57 N. W. 884; 59 N. W. 290; 29 L. R. A. 278) 2485  
*Bickerdike v. Chicago* (185 Ill. 280; 56 N. E. 1096) 2548, 2614, 2615, 2616, 2620  
*Bickerstaff, In re* (70 Cal. 35; 11 Pac. 393) 1016, 1021  
*Biddeford v. York County* (78 Me. 105; 3 Atl. 36) 1820  
*Biddle v. Terrell* (82 Tex. 335; 18 S. W. 691) 357, 423  
*— v. Wilkins* (1 Pet. [U. S.] 686) 1497  
*— v. Willard* (10 Ind. 63) 721, 2660  
*Biddle's Lessee v. Shippen* (1 Dallas, 19) 1687  
*Bidwell v. Huff* (103 Fed. Rep. 362) 2519  
*Bidwell v. Pittsburgh* (85 Pa. 412; 27 Am. Rep. 662) 2606  
*Bieber v. St. Paul* (87 Minn. 35; 91 N. W. 20) 2960, 2998  
*Bieling v. Brooklyn* (120 N. Y. 98; 24 N. E. 389) 1886, 3020  
*Bienville Water Supply Co. v. Mobile* (175 U. S. 109, aff'g 95 Fed. Rep. 539) 2159  
*— v. Mobile* (175 U. S. 109; 186 U. S. 212) 2159, 2160, 2166  
*Bierman v. Seymour* (66 N. J. Law, 122; 48 Atl. 1005) 2658  
*Bierwith v. Pieronnet* (65 Mo. App. 431) 1817  
*Biesiegel v. Seymour* (58 Conn. 43; 19 Atl. 372) 2820  
*Bietry v. New Orleans* (24 La. An. 21) 1260  
*Bigelow v. Ballerino* (111 Cal. 559; 44 Pac. 307) 1841  
*— v. Brooks* (119 Mich. 208; 77 N. W. 810) 2662  
*— v. Chicago* (90 Ill. 49) 2547, 2585  
*— v. Hillman* (37 Me. 52) 871, 920  
*— v. Los Angeles* (141 Cal. 503; 75 Pac. 111) 2815  
*— v. Louisville* (3 Fish. Pat. Cas. 602) 1206, 2866  
*— v. Miss. Central & T. R. R. Co.* (2 Head [Tenn.] 624) 1648  
*— v. Perth Amboy* (25 N. J. L. 297) 883, 884, 1235  
*— v. Randolph* (14 Gray [Mass.] 541) 2859, 2860, 2888, 2894, 2916, 2952  
*— v. Rutland* (4 Cush. [Mass.] 247) 2971  
*— v. Washburn* (98 Wis. 553; 74 N. W. 362) 1294, 1318  
*— v. Weston* (3 Pick. [Mass.] 267) 2977  
*— v. West Wis. R. Co.* (27 Wis. 478) 1677  
*Bigg v. London* (L. R. 15 Eq. 376) 2935  
*Biggins' Estate v. People* (193 Ill. 601; 61 N. E. 1124) 2452  
*Biggs v. Geneva* (100 N. Y. App. Div. 25; 90 N. Y. Supp. 858) 2815  
*— v. McBride* (17 Oreg. 640; 21 Pac. 878) 792  
*Bigler v. New York* (5 Abb. [N. Y.] N. Cas. 51) 1212, 1250  
*Bigley v. Nunan* (53 Cal. 403) 2012  
*Biglow v. Ritter* (131 Iowa, 213; 108 N. W. 218) 1897, 1903  
*Big Rapids v. Comstock* (65 Mich. 78; 31 N. W. 811) 1887, 1898  
*— v. Mecosta County* (99 Mich. 351; 58 N. W. 358) 2432, 2577  
*Bilbie v. Lumley* (2 East, 469) 2834  
*Bilby v. McKenzie* (112 Cal. 143; 44 Pac. 341) 411, 414

[References are to pages]

- Bill v. Denver (29 Fed. Rep. 344) 1248, 1252  
 Billard v. Erhart (35 Kan. 611; 12 Pac. 39) 1035, 1791, 1843, 1844  
 Billingham v. Spink County (5 S. Dak. 84; 58 N. W. 272) 2415  
 Billings v. Chicago (167 Ill. 337; 47 N. E. 731) 2405, 2548, 2591  
 — v. Monmouth (72 Me. 174) 2823  
 — v. O'Brien (4 Daly [N. Y.] 556) 743  
 Billington v. Miller (75 N. J. L. 76; 67 Atl. 935) 1852  
 Bill Posting Sign Co. v. Atlantic City (71 N. J. L. 72; 58 Atl. 342) 906, 1064, 2796  
 Bills v. Belknap (36 Iowa, 383) 1097  
 — v. Goshen (117 Ind. 221; 20 N. E. 115; 3 L. R. A. 261) 893, 897, 900, 2476  
 — v. Kinson (21 N. H. 448) 567  
 — v. Stanton (69 Ill. 51) 1546  
 Bingaman v. Pittsburgh (147 Pa. 353; 23 Atl. 395) 2636  
 Bingham v. Camden (29 N. J. Eq. 464) 651  
 — v. Milwaukee County (127 Wis. 344; 106 N. W. 1071) 280, 285, 1377  
 Bingham County v. First Nat. Bank (122 Fed. Rep. 16) 1288  
 Binner v. New York (177 N. Y. 199; 69 N. E. 390, modifying 80 N. Y. App. Div. 438; 81 N. Y. Supp. 226) 1261, 1952, 2081, 3034  
 Birch v. Charleston L. H. & Power Co. (113 Ill. App. 229) 2991, 3014  
 — v. New York City (190 N. Y. 397; 83 N. E. 91, rev'g 121 N. Y. App. Div. 395; 106 N. Y. Supp. 104; 18 L. R. A. n. s. 595) 1807, 2914  
 — v. Plattsburg (180 Mo. 413; 79 S. W. 475) 2385, 2427  
 Bird v. Grout (106 N. Y. App. Div. 159; 94 N. Y. Supp. 127) 2777  
 — v. Johnson (59 N. J. L. 59; 34 Atl. 929) 723  
 — v. Wasco Co. (3 Oreg. 282) 728  
 Birdsall v. Clark (73 N. Y. 73; 29 Am. Rep. 105) 461, 462  
 — v. Russell (29 N. Y. 220) 1545  
 Birdseye v. Clyde (61 Ohio St. 27; 55 N. E. 169) 2606  
 Birge v. Berlin Iron Bridge Co (133 N. Y. 477; 31 N. E. 609) 536  
 Birket v. Peoria (185 Ill. 369; 57 N. E. 30) 2534, 2547, 2548, 2550  
 Birkholtz v. Dinnie (6 N. Dak. 511; 72 N. W. 931) 382  
 Birmingham v. Anderson (40 Pa. St. 506) 1708  
 — v. Birmingham Water Works Co. (139 Ala. 531; 36 So. 614) 182, 199  
 — v. Birmingham Water Works Co. (152 Ala. 306; 44 So. 581; 11 L. R. A. n. s. 613) 2205  
 — v. Goldstein (151 Ala. 473; 44 So. 113; 12 L. R. A. n. s. 568) 2469, 2473  
 — v. Klein (89 Ala. 461; 7 So. 386; 8 L. R. A. 369) 2315, 2316, 2502, 2505, 2532  
 — v. Land (137 Ala. 538; 34 So. 613) 3037, 3053  
 — v. McCary (84 Ala. 469; 4 So. 630) 3022, 3026  
 — v. Rochester City & B. R. Co. (137 N. Y. 13; 32 N. E. 995; 18 L. R. A. 764) 1831  
 — v. Rumsey (63 Ala. 352) 1585  
 — v. Starr (112 Ala. 98; 20 So. 424) 2961  
 — v. Tayloe (105 Ala. 170; 16 So. 576) 989, 2984  
 Birmingham & P. M. St. R. Co. v. Birmingham St. R. Co. (79 Ala. 465) 450, 1973, 1975  
 Birmingham Mineral R. Co. v. Bessemer (98 Ala. 274; 13 So. 487) 1715  
 Birmingham Traction Co. v. Birmingham R. & El. Co. (119 Ala. 137; 24 So. 502; 43 L. R. A. 233) 2006  
 — v. Southern Bell Tel. & Tel. Co. (119 Ala. 144; 24 So. 731) 1987  
 Birrell v. New York & H. R. Co. (198 U. S. 390) 1781  
 Bischoff v. New York Elev. R. Co. (138 N. Y. 257; 33 N. E. 1073) 2041, 2043, 2044, 2047  
 Biscoe v. Coulter (18 Ark. 423) 2443  
 Bisher v. Richards (9 Ohio St. 495) 1833  
 Bishoff v. State (43 Fla. 67; 30 So. 808) 2707  
 Bishop v. Centralia (49 Wis. 669; 6 N. W. 353) 2976  
 — v. Cone (3 N. H. 513) 878  
 — v. Covenant Mut. Life Ins. Co. (85 Mo. App. 302) 441  
 — v. Fahay (15 Gray [Mass.] 61) 1101  
 — v. Macon (7 Ga. 200; 50 Am. Dec. 400) 2847  
 — v. New York (21 N. Y. Misc. 598; 48 N. Y. Supp. 141) 2882, 2900  
 — v. North Adams Fire Dist. (167 Mass. 364; 45 N. E. 925) 1910  
 — v. State (149 Ind. 223; 48 N. E. 1038; 149 Ind. 223; 63 Am. St. Rep. 270) 727



## TABLE OF CASES CITED

37

[References are to pages]

- Bissell v. Collins* (28 Mich. 277; 15 Am. Rep. 217) 1816, 1818, 1826  
 — *v. Jeffersonville* (24 How. [U. S.] 287) 232, 233, 457, 869, 883, 1258, 1360, 1403, 1409, 1420, 1428, 1437, 1461, 1466, 1491, 1524, 1534, 1535, 1537  
 — *v. Kankakee* (64 Ill. 249; 21 Am. Rep. 554) 578, 1339, 2313, 2681  
 — *v. Michigan S. & N. I. Railroad Co.* (22 N. Y. 258) 1183  
 — *v. New York Cent. R. Co.* (23 N. Y. 61) 1716, 1719, 1794, 1795, 1796, 2011, 2023  
 — *v. Saxton* (77 N. Y. 191) 683  
 — *v. Spring Valley Township* (110 U. S. 162) 1371, 1479, 1522  
 — *v. Spring Valley Tp.* (124 U. S. 225) 1397, 1421  
*Bitzer v. Levertton* (9 Kan. App. 76; 57 Pac. 1045) 1886  
*Bizzell, Ex parte* (112 Ala. 210; 21 So. 371) 675, 986  
*Black, In re* (1 Ohio St. 30) 2661  
 — *v. Baltimore* (50 Md. 236; 33 Am. Rep. 320) 1654  
 — *v. Brinkley* (54 Ark. 372; 15 S. W. 1030) 124  
 — *v. Brooklyn Heights R. Co.* (32 N. Y. App. Div. 468; 53 N. Y. Supp. 312) 1990  
 — *v. Chester* (175 Pa. 101; 34 Atl. 354) 2152, 2153  
 — *v. Cohen* (52 Ga. 621) 138, 1284, 1420, 1524, 1545  
 — *v. Columbia* (19 S. Car. 412; 45 Am. Rep. 785) 2301, 2849  
 — *v. Cornell* (30 Mo. App. 641) 2771  
 — *v. Detroit* (119 Mich. 571; 78 N. W. 660) 1155  
 — *v. Early* (208 Mo. 281; 106 S. W. 1014) 1368  
 — *v. Philadelphia & R. R. Co.* (58 Pa. St. 249) 1789, 1933, 1970  
 — *v. Ross* (37 Mo. App. 250) 2771  
 — *v. State* (144 Ala. 92; 40 So. 611) 972  
*Blackborough v. Davis* (1 P. Wms. 48) 2712  
*Blackburn, In re* (5 Ark. 21) 2799  
 — *v. Walpole* (9 Pick. [Mass.] 97) 832  
*Blackerby v. People* (10 Ill. 266) 2726  
*Blackett v. Blizzard* (9 Barn. & Cress. 851) 827  
*Black Fork Board of Education v. Holt* (51 W. Va. 435; 41 S. E. 337) 2799  
*Blackman v. Lehman* (63 Ala. 547; 35 Am. Rep. 57) 1350, 1393  
*Blackshear v. Strickland* (126 Ga. 492; 54 S. E. 966) 986  
*Blackstone v. Miller* (188 U. S. 189) 2410, 2414, 2415  
*Blackstone v. Taft* (4 Gray [Mass.] 250) 621, 627  
 — *v. White* (41 Pa. St. 330) 442  
*Blackwell v. Coeur D'Alene* (13 Idaho, 357; 90 Pac. 353) 2618, 2624  
 — *v. Hill* (76 Mo. App. 46) 2986  
 — *v. Thayer* (101 Mo. App. 661; 74 S. W. 375) 732  
 — *v. Toronto Street R. Co.* (38 Up. Can. Q. B. 172) 3018  
*Blackwell, E. & S. W. R. Co. v. Gist* (18 Okla. 516; 90 Pac. 889) 1846  
*Bladen v. Philadelphia* (60 Pa. St. 464) 550, 731, 1170, 1178  
*Bladen County Bd. of Education v. Com'rs of Bladen County* (113 N. Car. 379; 18 S. E. 661) 771  
*Blaechinska v. Howard Mission* (56 Hun [N. Y.] 322; rev'd 130 N. Y. 497; 29 N. E. 755; 9 N. Y. Supp. 679; 15 L. R. A. 215) 2898  
*Blagrove's Case* (2 Sid. 6) 810  
*Blair v. Carr* (162 Ill. 362; 44 N. E. 720) 1687  
 — *v. Cary* (24 Ohio Cir. Ct. 560; 14 Ohio Cir. Dec. 560) 874  
 — *v. Charleston* (43 W. Va. 62; 26 S. E. 341; 35 L. R. A. 852; 64 Am. St. Rep. 837) 2928, 2929  
 — *v. Chicago* (201 U. S. 400) 1956, 1971, 1972, 2057, 2140, 2141, 2142, 2152, 2236  
 — *v. Cuming County* (111 U. S. 363) 1349, 1364  
 — *v. Forehand* (100 Mass. 136; 97 Am. Dec. 82; 1 Am. Rep. 94) 567, 1100, 1101  
 — *v. Granger* (24 R. I. 17; 51 Atl. 1042) 2861, 2891  
 — *v. Lantry* (21 Neb. 247; 31 N. W. 790) 762, 1178  
 — *v. Waco* (75 Fed. Rep. 800) 462  
*Blaisdell v. Portland* (39 Me. 113) 2964  
*Blake v. Ada County* (5 Idaho, 163; 47 Pac. 734) 2666  
 — *v. Buffalo* (56 N. Y. 485) 683  
 — *v. Ferris* (5 N. Y. 48; 55 Am. Dec. 304) 3024, 3025, 3026  
 — *v. Lindblom* (225 Ill. 555; 80 N. E. 252) 709, 822  
 — *v. Lowell* (143 Mass. 296; 9 N. E. 627) 2968  
 — *v. Macon* (53 Ga. 172) 1232, 2770  
 — *v. Midland R. Co.* (18 Q. B. 93) 3005  
 — *v. Newfield* (68 Me. 365) 2963  
 — *v. Newfield* (4 Gray [Mass.] 365) 2979  
 — *v. People* (109 Ill. 504) 109, 2389  
 — *v. Pontiac* (49 Ill. App. 543) 2916  
 — *v. Portsmouth R. Co.* (39 N. H. 435) 597

[References are to pages]

- Blake v. St. Louis (40 Mo. 569) 2993,  
 2998, 3023, 3026  
 — v. United States (103 U. S.  
 227) 791  
 — v. Walker (23 S. Car. 517) 449  
 — v. Winona & St. P. R. Co. (19  
 Minn. 418; 18 Am. Rep. 345) 1906  
 Blakely v. Devine (36 Minn. 53) 3044  
 Blakeslee v. Geneva (61 N. Y. App.  
 Div. 42; 69 N. Y. Supp. 1122) 3014,  
 3020, 3028  
 — v. Tyler (55 Conn. 387; 11  
 Atl. 291) 924  
 Blakey v. Montgomery (144 Ala.  
 481; 39 So. 745) 1381, 1386  
 Blakie v. Staples (13 Grant [Can.]  
 67) 2758  
 Blanc v. Murray (36 La. An. 162;  
 51 Am. Rep. 7) 1035  
 — v. New Orleans (1 Martin  
 [La.] o. s. 65) 2406  
 Blanchard v. Ayer (148 Mass. 174;  
 19 N. E. 209) 1169  
 — v. Barre (77 Vt. 420; 60 Atl.  
 970) 2402, 2454  
 — v. Benton (109 Ill. App. 569)  
 354, 367, 368, 397, 948, 985, 1531,  
 1558  
 — v. Bissell (11 Ohio St. 96) 615,  
 616, 618, 893, 949  
 — v. Blackstone (102 Mass. 343) 765,  
 1174  
 — v. Chaffee County (15 Colo.  
 App. 410; 62 Pac. 579) 1308  
 — v. Hartwell (131 Cal. 263; 63  
 Pac. 349) 115  
 — v. Ivers (40 Fla. 117; 24 So.  
 66) 1073  
 — v. Kansas City (16 Fed. Rep.  
 444; s. c. 5 McCrary C. C. R.  
 217) 2927, 2947  
 — v. Ladd (135 Cal. 214; 67  
 Pac. 131) 2455  
 — v. Porter (11 Ohio, 138) 494, 514  
 Blanden v. Ft. Dodge (102 Iowa,  
 441; 71 N. W. 411) 1098, 2927  
 Blanding v. Burr (13 Cal. 343) 128, 144,  
 221, 222, 2403  
 Blank v. Kearney (44 N. Y. App.  
 Div. 592; 61 N. Y. Supp. 79) 1201  
 Blanke v. Hoboken Board of  
 Health (64 N. J. L. 42; 44 Atl.  
 847) 2462  
 Blankenburg v. Black (200 Pa.  
 629; 50 Atl. 198) 285, 311  
 Blankenship v. Sherman (33 Tex.  
 Civ. App. 507; 76 S. W. 805) 2894  
 Blanks v. Monroe (110 La. 944;  
 34 So. 921) 362, 423  
 Blanton v. McDowell County (101  
 N. Car. 532; 8 S. E. 162) 380, 1507  
 — v. Merry (116 Ga. 288; 42 S.  
 E. 211) 2784  
 Blaschko v. Wurster (156 N. Y.  
 437; 51 N. E. 303, aff'g 23 N. Y.  
 App. Div. 625; 48 N. Y. Supp.  
 1101) 1974, 2053, 2777, 2779, 2780  
 Blashfield v. Empire State Tel.  
 Co. (147 N. Y. 520; 42 N. E. 2) 1929  
 Blaylock v. Muskogee (117 Fed.  
 Rep. 125) 2950  
 Bledsoe v. State (64 N. Car. 392) 1317  
 Bleeker v. Ballou (3 Wend. [N.  
 Y.] 263) 2572  
 Bleil v. Detroit St. R. Co. (98  
 Mich. 228; 57 N. W. 117) 2969  
 Blennerhassett v. Forest City (117  
 Iowa, 680; 91 N. W. 1044) 1688,  
 1744, 1836, 1903  
 Blessing v. Galveston (42 Tex. 641)  
 2787  
 Bleu v. Bear River Co. (20 Cal.  
 602) 1190  
 Blevins v. Smith (104 Mo. 583; 16  
 S. W. 213; 13 L. R. A. 441) 2479  
 Bliss v. Ball (99 Mass. 597) 1096, 1699  
 1795, 1825  
 — v. Brooklyn (4 Fisher Pat.  
 Cas. 596) 2866  
 — v. Krauss (16 Ohio St. 54) 2563  
 — v. Lawrence (58 N. Y. 442; 17  
 Am. Rep. 273) 742  
 — v. South Hadley (145 Mass.  
 91; 13 N. E. 352; 1 Am. St. Rep.  
 441) 2956, 2958, 2959  
 — v. Ward (198 Ill. 104; 64 N.  
 E. 705) 497  
 Bliven v. Sioux City (85 Iowa, 346;  
 52 N. W. 246) 2842  
 Blizzard v. Danville (175 Pa. 479;  
 34 Atl. 846) 3037  
 Blochman v. Spreckels (135 Cal.  
 662; 67 Pac. 1061; 57 L. R. A.  
 213) 1262  
 Block v. Bourbon County (99 U.  
 S. 686) 1350  
 — v. Jacksonville (36 Ill. 301) 948,  
 1014  
 — v. Worcester (186 Mass. 526;  
 72 N. E. 77) 2969  
 Blocker v. State (72 Miss. 720; 18  
 So. 388) 1798  
 Blocki v. Krueger (121 Ill. App.  
 357) 1090  
 Blodget v. Royalton (14 Vt. 288) 1728  
 Blodgett v. Boston (8 Allen [Mass.]  
 237) 1639, 2859, 2957  
 — v. McVey (131 Iowa, 552; 108  
 N. W. 239) 973, 1110  
 — v. Northwestern El. R. Co.  
 (80 Fed. Rep. 601) 1663, 2019  
 — v. Royalton (17 Vt. 40; 43  
 Am. Dec. 476) 1731  
 Blodgett, &c. Lumber Co. v. Peters  
 (87 Mich. 498; 49 N. W. 917; 24  
 Am. St. Rep. 175) 486

## TABLE OF CASES CITED

. 39

[References are to pages]

- Blondell *v.* Consolidated Gas Co. (89 Md. 732; 43 Atl. 817; 46 L. R. A. 187) 2216  
 Blood *v.* Beal (100 Me. 30; 60 Atl. 427) 343, 437, 860, 2763  
 — *v.* McCarty (112 Cal. 561; 44 Pac. 561) 2394  
 — *v.* Manchester El. L. Co. (68 N. H. 340; 39 Atl. 335) 2152, 2153, 2763, 2766  
 Bloodgood *v.* Ayers (108 N. Y. 400; 15 N. E. 433; 2 Am. St. Rep. 443) 2307  
 — *v.* Mohawk & H. R. R. Co. (18 Wend. [N. Y.] 9; 31 Am. Dec. 313) 579, 1624, 1637, 1644, 1662  
 Bloom *v.* Xenia (32 Ohio St. 461) 907, 908  
 Bloomer *v.* Bloomer (128 Wis. 297; 107 N. W. 974) 262, 277, 296  
 — *v.* Stolley (5 McLean, 158) 919  
 Bloomfield *v.* Charter Oak Bank (121 U. S. 121) 70, 76, 585, 830, 832, 2673, 2674, 2679  
 — *v.* Glen Ridge (54 N. J. Eq. 276; 33 Atl. 925) 625, 626, 627  
 — *v.* Middlesex County (74 N. J. L. 261; 65 Atl. 890) 881  
 — *v.* Trimble (54 Iowa, 399; 6 N. W. 586; 37 Am. Rep. 212) 972, 973  
 Bloomfield & R. Nat. G. L. Co. *v.* Calkins (62 N. Y. 386) 1914, 2082  
 Bloomington *v.* Bay (42 Ill. 503) 2993, 3012, 3014, 3021  
 — *v.* Blodgett (24 Ill. App. 650) 2626  
 — *v.* Bourland (137 Ill. 534; 27 N. E. 692) 2326  
 — *v.* Brokaw (77 Ill. 194) 1586, 1588, 1650, 2678, 2925, 2926, 3038, 3041, 3046  
 — *v.* Chamberlain (104 Ill. 268) 3016  
 — *v.* Chicago & A. R. Co. (134 Ill. 451; 26 N. E. 366) 2516, 2549, 2552, 2553  
 — *v.* Costello (65 Ill. App. 407) 3037  
 — *v.* Illinois Cent. R. Co. (154 Ill. 539; 39 N. E. 478) 2078  
 — *v.* Latham (142 Ill. 462; 32 N. E. 506; 18 L. R. A. 487) 2516, 2552  
 — *v.* Miller (84 Ill. 621) 1651  
 — *v.* Mueller (71 Ill. App. 268) 2960  
 — *v.* Murnin (36 Ill. App. 647) 3042  
 — *v.* Perdue (99 Ill. 329) 377  
 — *v.* Phelps (149 Ind. 596; 49 N. E. 581) 2628  
 — *v.* Pollack (141 Ill. 346; 31 N. E. 146) 2926, 2939  
 — *v.* Reeves (177 Ill. 161; 52 N. E. 278) 2595, 2598  
 — *v.* Wahl (46 Ill. 489) 1078  
 — *v.* Wilson (14 Ind. App. 476; 43 N. E. 37) 3026  
 Bloomington & N. R. Co. *v.* Bloomington (123 Ill. App. 639) 900  
 Bloomington Cemetery Assoc. *v.* People (139 Ill. 16; 28 N. E. 1076) 2572  
 Blooming Valley, *In re* (56 Pa. 66) 615, 619  
 Bloomsburg Election, *In re* (18 Pa. Co. Ct. R. 449) 2772  
 Bloomsburg Imp. Co. *v.* Bloomsburg (215 Pa. 452; 64 Atl. 602) 1559, 1750, 1753  
 Bloomsburg Town Election, *In re* (4 Pa. Dist. 671) 1382  
 Bloor *v.* Delafield (69 Wis. 273; 34 N. W. 115) 3017  
 Bloss *v.* Lewis (109 Cal. 493; 41 Pac. 1081) 260  
 Blount *v.* People (188 Ill. 538; 59 N. E. 241) 2454  
 Blount County Com'rs Ct. *v.* Johnson (145 Ala. 553; 39 So. 910) 2799  
 Bloxton *v.* McWhorter (46 W. Va. 32; 32 S. E. 1004) 2425  
 Blue *v.* Beach (155 Ind. 121; 56 N. E. 89; 50 L. R. A. 64; 80 Am. St. Rep. 195) 903, 904  
 Bluedorn *v.* Missouri Pac. R. Co. (108 Mo. 439; 18 S. W. 1103; 32 Am. St. Rep. 615) 1090  
 Bluefields Banana Co. *v.* New Orleans Board of Assessors (49 La. An. 43; 21 So. 627) 2415, 2416  
 Blue Island *v.* Eames (155 Ill. 398; 40 N. E. 615) 2546, 2555  
 Bluff Creek Dist. Tp. *v.* Hardinbrook (40 Iowa, 130) 764  
 Bluffton *v.* Mathews (92 Ind. 213) 2969  
 — *v.* Miller (33 Ind. App. 521; 70 N. E. 989) 2404  
 — *v.* Silver (63 Ind. 262) 2425, 2800  
 — *v.* Studabaker (106 Ind. 129; 6 N. E. 1) 559, 1105  
 Blumb *v.* Kansas City (84 Mo. 112; 54 Am. Rep. 87) 2883, 3027  
 Blume *v.* New Orleans (104 La. 345; 29 So. 106) 2998  
 Blumrich *v.* Highland Park (131 Mich. 209; 91 N. W. 129) 2817  
 Blunk *v.* Dennison Water Supply Co. (71 Ohio St. 250; 73 N. E. 210) 2304  
 Blunt *v.* Carpenter (68 Iowa, 265; 26 N. W. 438) 1515  
 Blust *v.* Collier (62 N. Y. App. Div. 478; 70 N. Y. Supp. 774) 703  
 Bluthenthal *v.* Headland (132 Ala. 249; 31 So. 87; 90 Am. St. Rep. 904) 2811, 2870  
 Bly *v.* White Deer Mountain Water Co. (197 Pa. 80; 46 Atl. 929) 2121, 2143



## TABLE OF CASES CITED

[References are to pages]

Bly <i>v.</i> Whitehall (120 N. Y. 506; 24 N. E. 943)	2967	Board of Supervisors <i>v.</i> Clark (92 N. Y. 391)	681
Blyth <i>v.</i> Birmingham Water Works Co. (11 Exch. 781)	1911	Board of Trade <i>v.</i> People (91 Ill. 80)	1907
— <i>v.</i> Robinson (104 Cal. 239; 37 Pac. 904)	1263	Board of Trade Tel. Co. <i>v.</i> Barnett (107 Ill. 507; 47 Am. Rep. 453)	1928, 1931, 2011, 2946
Board <i>v.</i> Harrell (147 Ind. 500; 46 N. E. 124)	368	Boaz <i>v.</i> Tate (43 Ind. 60)	675, 676, 677
Board <i>v.</i> Hill (115 Ind. 316; 16 N. E. 156)	368	Bob, <i>In re v.</i> State (2 Yerg. [Tenn.] 173)	2792
— <i>v.</i> Municipality (6 La. An. 21)	147	Bobbett <i>v.</i> Dresher (10 Kan. 9)	2708
— <i>v.</i> Reeves (148 Ind. 467; 46 N. E. 995)	368	Bocard <i>v.</i> State (79 Ind. 270)	765
Boardman <i>v.</i> Beckwith (18 Iowa, 292)	232	Bockoven <i>v.</i> Lincoln (13 S. Dak. 317; 83 N. W. 335)	1675
— <i>v.</i> Hayne (29 Iowa, 339)	777	Bodewig <i>v.</i> Port Huron (141 Mich. 564; 104 N. W. 769)	1184, 2823
Board of Com'rs <i>v.</i> Aetna Life Ins. Co. (90 Fed. Rep. 237)	395	Bodine <i>v.</i> Trenton (36 N. J. L. 198)	464, 1897
— <i>v.</i> Gwin (136 Ind. 562; 36 N. E. 237; 22 L. R. A. 402)	149	Bodley <i>v.</i> Finley's Ex'r (111 Ky. 618; 64 S. W. 439)	2627
— <i>v.</i> Nat. Life Ins. Co. (90 Fed. Rep. 228)	395	Bodman <i>v.</i> American Tract Society (9 Allen [Mass.] 447)	610
Board of Education <i>v.</i> Blodgett (155 Ill. 441; 40 N. E. 1025; 31 L. R. A. 70; 46 Am. St. Rep. 348)	183, 199	— <i>v.</i> Johnson County (115 Iowa, 296; 88 N. W. 331)	1312
— <i>v.</i> Board of Education (76 N. Y. App. Div. 355; 78 N. Y. Supp. 522)	66, 134, 143	Bodwic <i>v.</i> Fennell (1 Wils. 233)	974, 982, 983
— <i>v.</i> Bolton (104 Ill. 220)	344	Boehler <i>v.</i> Des Moines (111 Iowa, 417; 82 N. W. 914)	1722
— <i>v.</i> Bolton (85 Ill. App. 92)	2707	Boehm <i>v.</i> Baltimore (61 Md. 259)	1023, 1028, 2880
— <i>v.</i> DeKay (148 U. S. 591)	1191	Boehme <i>v.</i> Monroe (106 Mich. 401; 64 N. W. 204)	950, 2453, 2454, 2593, 2622
— <i>v.</i> Foley (90 Ill. App. 494; s. c. 88 Ill. App. 470)	1292, 1309	Boehmer <i>v.</i> Schuylkill County (46 Pa. 452)	684
— <i>v.</i> Fonda (77 N. Y. 350)	681	Boerth <i>v.</i> Detroit City Gas Co. (152 Mich. 654; 116 N. W. 628; 18 L. R. A. n. s. 1197)	2206, 2236, 2242
— <i>v.</i> McLandsborough (36 Ohio St. 227; 38 Am. Rep. 582)	764	Boffing Bor., <i>In re</i> (2 Stra. 1003)	2669
— <i>v.</i> National Life Ins. Co. (94 Fed. Rep. 324)	347, 404	Bogard <i>v.</i> O'Brien ([Ky.], 20 S. W. 1097)	2629
Board of Education of Dist. 3, T. 3, &c. <i>v.</i> Neidenberger (78 Ill. 58)	1588	Bogart <i>v.</i> Lamotte (79 Mich. 294; 44 N. W. 612)	1480
Board of Equalization Cases (49 Ark. 518; 6 S. W. 1)	2366	— <i>v.</i> New York (7 Cow. [N. Y.] 158)	2799
Board of Finance <i>v.</i> Jersey City (57 N. J. L. 452; 31 Atl. 625)	233, 1197	— <i>v.</i> Passaic (38 N. J. L. 57)	2601
Board of Health <i>v.</i> Ebling Brewing Co. (38 N. Y. Misc. 537; 78 N. Y. Supp. 13)	1055	Bogert <i>v.</i> Elizabeth (25 N. J. Eq. 426)	2748
— <i>v.</i> Heister (37 N. Y. 661)	903	— <i>v.</i> Elizabeth (27 N. J. Eq. 568)	2507, 2512, 2517
Board of Improvement <i>v.</i> School District (56 Ark. 354; 19 S. W. 969; 16 L. R. A. 418; 35 Am. St. Rep. 108)	2432, 2446, 2577	— <i>v.</i> Indianapolis (13 Ind. 134)	1032, 1033, 1034
Board of Levee Inspectors <i>v.</i> Crittenden (94 Fed. Rep. 613)	121	— <i>v.</i> Jackson Cir. Ct. Judge (118 Mich. 457; 76 N. W. 983)	2641
Board of Liquidation of La. <i>v.</i> McComb (92 U. S. 531)	2646, 2660	Boggs <i>v.</i> State (46 Tex. 10)	763, 764
Board of Public Education <i>v.</i> Ransley (209 Pa. 51; 58 Atl. 122)	2890	Bohan <i>v.</i> Avoca Borough (154 Pa. St. 404; 26 Atl. 604)	884, 3044
Board of Public Works of Denver <i>v.</i> Hayden (13 Colo. App. 36; 56 Pac. 201)	2580	— <i>v.</i> Weehawken (65 N. J. L. 490; 47 Atl. 446)	668
		Bohannon <i>v.</i> Stamford (80 Conn. 107; 67 Atl. 372)	1655

## TABLE OF CASES CITED

41

[References are to pages]

- Bohen v. Waseca* (32 Minn. 176; 19 N. W. 730; 50 Am. Rep. 564) 2987
- Bohl v. Dell Rapids* (15 S. Dak. 619; 91 N. W. 315) 2963, 2976, 3000
- Bohler v. Schneider* (49 Ga. 195) 2470
- Bohlman v. Green Bay & L. P. R. Co.* (30 Wis. 105) 1663
- Bohm v. Metropolitan El. R. Co.* (129 N. Y. 576; 29 N. E. 802) 1680, 1774, 1776, 1993, 1994, 2025, 2042, 2043, 2048
- Bohmer v. Haffen* (161 N. Y. 390; 55 N. E. 1047, aff'g 35 N. Y. App. Div. 381; 54 N. Y. Supp. 1030) 1942, 1946, 2780
- Boileau's Case* (2 Par. [Pa.] 505) 644
- Boise City v. Artesian Hot & Cold Water Co.* (4 Idaho, 351; 39 Pac. 562) 2237
- *v. Hon* (14 Idaho, 272; 94 Pac. 167) 1737, 1744
- *v. Wilson* (113 Fed. Rep. 1016) 2521
- Boise City Artesian Hot & Cold Water Co. v. Boise City* (123 Fed. Rep. 232) 2154, 2200
- Bolger v. Foss* (65 Cal. 250; 3 Pac. 871) 1709, 1712
- Bolivar v. Bolivar Water Co.* (62 N. Y. App. Div. 484; 70 N. Y. Supp. 750) 2180, 2182
- Bolles v. Brimfield* (120 U. S. 759) 232, 575, 1524
- Bollig, Ex parte* (31 Ill. 88) 961
- Bolling v. Petersburg* (3 Rand [Va.] 563) 1795, 1797
- *v. Petersburg* (8 Leigh [Va.] 224) 1565, 1595
- Bolte v. New Orleans* (10 La. An. 321) 953
- Bolton v. Crowther* (4 Dowl. & Ryl. 195) 772
- *v. Gilleran* (105 Cal. 244; 38 Pac. 88; 45 Am. St. Rep. 33) 1213, 2403
- *v. New Rochelle* (84 Hun [N. Y.] 281; 32 N. Y. Supp. 442) 2842
- *v. People* (95 Ill. App. 285) 2666, 2706
- *v. Vellines* (94 Va. 393; 26 S. E. 847; 64 Am. St. Rep. 737) 961
- Bonaparte v. Baltimore* (63 Md. 465) 2438
- *v. Tax Court* (104 U. S. 592) 2414, 2438
- Bond v. Biddeford* (75 Me. 538) 766, 3019
- *v. Hiestand* (20 La. An. 139) 446, 2482
- *v. Hoyt* (13 Pet. [U. S.] 266) 2836
- *v. Kenosha* (17 Wis. 284) 2447, 2576, 2789
- Bond v. Newark* (19 N. J. Eq. 376) 1249, 1259, 1260, 2628, 2748
- *v. Pennsylvania Co.* (171 Ill. 508; 49 N. E. 545, rev'g 69 Ill. App. 507) 2010, 2014, 2016, 2017
- *v. Royston* (130 Ga. 646; 61 S. E. 491; 18 L. R. A. N. s. 409) 2886
- *v. St. George* (L. R. 6 C. P. 312) 637
- *v. Wool* (107 N. Car. 139; 12 S. E. 281) 488
- Bond Debt Cases* (12 S. Car. 200, 285) 655
- Bond Hill v. Atkinson* (16 Ohio Cir. Ct. R. 470) 3002
- Bone v. State* (86 Ga. 108; 12 S. E. 205) 257
- Bonesteel v. New York* (22 N. Y. 162) 1197, 1230, 1236, 1259
- Bonine v. Richmond* (75 Mo. 437) 3015
- Bonner v. St. Francis Levee Dist.* (77 Ark. 519; 92 S. W. 1124) 2434
- *v. State* (7 Ga. 473) 2668, 2669, 2733
- Boody v. Watson* (64 N. H. 162; 9 Atl. 794) 2402
- Book v. Earl* (87 Mo. 246) 411
- *v. Polk* (81 Ark. 244; 98 S. W. 1049) 1582
- Booker v. Young* (12 Gratt. [Va.] 303) 827
- Bookman v. New York Elev. R. Co.* (147 N. Y. 298; 41 N. E. 705; 49 Am. St. Rep. 664) 2043
- Boom v. Utica* (2 Barb. [N. Y.] 104) 1038, 1180, 2872
- Boon v. Utica* (5 N. Y. Misc. 391; 26 N. Y. Supp. 932) 1209
- Boone County v. Burlington & M. R. R. Co.* (139 U. S. 684) 1888
- Boonton v. United Water Supply Co.* (70 N. J. Eq. 692; 64 Atl. 1064, aff'g 69 N. J. Eq. 23; 61 Atl. 390) 2207
- Booraem v. North Hudson C. R. Co.* (39 N. J. Eq. 465) 1728
- Boorman v. Santa Barbara* (65 Cal. 313; 4 Pac. 31) 2363
- *v. Sunnuchs* (42 Wis. 233) 489
- Boorum v. Connelly* (66 N. J. L. 197; 48 Atl. 955; 88 Am. St. Rep. 469) 269, 277
- Booth v. Arapahoe County Court* (18 Colo. 561; 33 Pac. 581) 649
- *v. Bayonne* (56 N. J. L. 268; 28 Atl. 381) 910, 1158
- *v. Hubbard's Admr.* (8 Ohio St. 243) 494
- *v. State* (4 Conn. 65) 1106
- *v. Woodbury* (32 Conn. 118) 157, 232, 568
- Boothe v. Fulton* (85 Mo. App. 16) 2842, 2910, 2912

[References are to pages]

- Boothroyd, *In re* (15 M. & W. 1) 952, 976
- Boott Cotton Mills *v.* Boston (159 Mass. 383; 34 N. E. 367) 1321
- Borchard *v.* Ventura County (144 Cal. 10; 77 Pac. 708) 2795
- Bordentown & S. A. Turnp. Co. *v.* Camden & A. R. Co. (17 N. J. L. 314) 1783
- Boren *v.* Darke County (21 Ohio St. 311) 1212, 1214, 1222, 2659
- *v.* Smith (47 Ill. 482) 653
- Borer *v.* Lange (44 Minn. 281; 46 N. W. 358) 1739
- Borghart *v.* Cedar Rapids (126 Iowa, 313; 101 N. W. 1120; 68 L. R. A. 306) 1841, 2946
- Boring *v.* Williams (17 Ala. 510) 1133
- Bork *v.* United New Jersey R. Co. (70 N. J. L. 268; 57 Atl. 412; 64 L. R. A. 836; 103 Am. St. Rep. 808) 1991, 2013
- Born *v.* Spokane (27 Wash. 719; 68 Pac. 386) 2819, 2821, 3014
- Bornot *v.* Bonschur (202 Pa. 463; 52 Atl. 44) 1060, 1631
- Boro *v.* Phillips County (4 Dillon C. C. 216) 1306
- Borrowman *v.* Mitchell (3 Up. Can. Q. B. 135) 1699
- Borton *v.* Camden (65 N. J. L. 511; 47 Atl. 436) 2506, 2512, 2601
- Bosley *v.* Davies (L. R. 1 Q. B. Div. 84) 1043
- Bostick *v.* State (47 Ark. 126; 14 S. W. 476) 994
- Bostock *v.* Sams (95 Md. 400; 52 Atl. 665; 59 L. R. A. 282; 93 Am. St. Rep. 394) 1060, 2658
- Boston *v.* Baldwin (139 Mass. 315; 1 N. E. 417) 1124
- *v.* Boston & A. R. Co. (170 Mass. 95; 49 N. E. 95) 2432, 2530, 2587, 2589
- *v.* Brookline (156 Mass. 172; 30 N. E. 711) 1619
- *v.* Coon (175 Mass. 283; 56 N. E. 287) 3028
- *v.* Lecraw (17 How. [U. S.] 426) 486, 505, 1704, 1705
- *v.* Richardson (13 Allen [Mass.] 152) 486, 1699, 1795, 1815, 1817, 1825, 1826, 1915, 1977
- *v.* Robbins (126 Mass. 384) 1659
- *v.* Shaffer (9 Pick. [Mass.] 415) 889, 995, 999, 1000, 2400
- *v.* Shaw (1 Met. [Mass.] 130) 941, 1814, 1823, 2621, 2936
- *v.* Worthington (10 Gray [Mass.] 496) 3033
- Boston & A. R. Co., *In re* (53 N. Y. 574) 1612
- Boston & A. R. Co. *v.* Boston (140 Mass. 87; 2 N. E. 943) 1613
- *v.* Cambridge (159 Mass. 283; 34 N. E. 382) 1616
- *v.* Cambridge (166 Mass. 224; 44 N. E. 140) 1614
- *v.* Greenbush (5 Lans. [N. Y.] 461, aff'd 52 N. Y. 510) 1614, 1615
- Boston & Co. Smelting Co. *v.* Elder (20 Colo. App. 96; 77 Pac. 258) 111, 625
- Boston & L. R. Co. *v.* Salem & L. R. Co. (2 Gray [Mass.] 1) 1604
- Boston & M. R. Co. *v.* Lowell & L. R. Co. (124 Mass. 368) 2588
- *v.* State (63 N. H. 571; 4 Atl. 571) 1321
- *v.* York County (79 Me. 386; 10 Atl. 113) 1616
- Boston & S. Glass Co. *v.* Boston (4 Met. [Mass.] 181) 1321, 2828, 2829, 2830, 2834
- Boston Asylum *v.* Boston St. Com'rs (180 Mass. 485; 62 N. E. 961) 2572, 2573, 2574
- Boston Asylum for Boys *v.* Charles (180 Mass. 485; 62 N. E. 961) 2573, 2574
- Boston Beer Co. *v.* Massachusetts (97 U. S. 25) 556, 559, 560
- Boston C. & M. R. Co. *v.* Gilmore (37 N. H. 410; 72 Am. Dec. 338) 2424
- Boston Chamber of Commerce *v.* Boston (195 Mass. 338; 81 N. E. 244) 1675, 1676, 1807
- Boston El. Co. *v.* Cambridge (163 Mass. 64; 39 N. E. 787) 1155, 1230
- Boston Electric Lt. Co. *v.* Boston Terminal Co. (184 Mass. 566; 69 N. E. 346) 2055
- Boston Glass Manuf. *v.* Langdon (24 Pick. [Mass.] 49; 35 Am. Dec. 292) 589
- Boston Mfg. Co. *v.* Commonwealth (144 Mass. 598; 12 N. E. 362) 2333
- Boston Manuf. Mut. Fire Ins. Co. *v.* Hendricks (41 N. Y. Misc. 479; 85 N. Y. Supp. 44) 2829
- Boston Mill Corp. *v.* Newman (12 Pick. [Mass.] 476) 1638
- Boston Overseers of Poor *v.* Sears (22 Pick. [Mass.] 122) 718, 1556
- Boston Rolling Mills *v.* Cambridge (117 Mass. 396) 1041, 3053
- Boston Safe Deposit & Trust Co. *v.* Salem Water Co. (94 Fed. Rep. 238) 2304
- Boston Seaman's Friend Soc. *v.* Boston (116 Mass. 181; 17 Am. Rep. 153) 1665, 2491, 2498, 2565, 2572, 2573

## TABLE OF CASES CITED

43

[References are to pages]

Boston Soc. of Redemptorist Fathers <i>v.</i> Boston (129 Mass. 178)	2446	Bourgeoise, <i>Ex parte</i> (60 Miss. 663)	967, 968
Boston Turnpike Co. <i>v.</i> Pomfret (20 Conn. 590)	877, 879, 882	Bourland <i>v.</i> Hildreth (26 Cal. 161)	643
Boston Water Power Co. <i>v.</i> Boston (9 Met. [Mass.] 199)	2827	Bousquet <i>v.</i> State (78 Miss. 478; 29 So. 399)	836
Bostwick <i>v.</i> Barlow (14 Hun [N. Y.] 177)	767	Bouton <i>v.</i> Brooklyn (15 Barb. [N. Y.] 375)	1746
Boswell <i>v.</i> Laird (8 Cal. 469; 68 Am. Dec. 345)	3022	— <i>v.</i> McDonough County (84 Ill. 384)	1588
— <i>v.</i> Wakley (149 Ind. 64; 48 N. E. 637)	2984, 2999	Boutte <i>v.</i> Emmer (43 La. An. 980; 9 So. 921)	675
Bosworth <i>v.</i> Budgen (7 Mod. 459)	1116	Bovee <i>v.</i> Danville (53 Vt. 183)	3000
— <i>v.</i> Mt. Sterling ([Ky.], 13 S. W. 920)	1898	Bow <i>v.</i> Allenstown (34 N. H. 351; 49 Am. Dec. 489)	26, 120, 442, 443, 1556
— <i>v.</i> New Orleans (26 La. An. 494)	732	Bowden <i>v.</i> Derby (97 Me. 536; 55 Atl. 417; 63 L. R. A. 223; 94 Am. St. Rep. 516; s. c. 99 Me. 208; 58 Atl. 993)	775, 776
— <i>v.</i> Schuck (118 Ky. 458; 81 S. W. 240)	1315	— <i>v.</i> Jacksonville (52 Fla. 216; 42 So. 394)	2927
Bothwell <i>v.</i> Consumers' Co. (13 Idaho, 568; 92 Pac. 533)	2205, 2217	— <i>v.</i> Kansas City (69 Kan. 587; 77 Pac. 573; 66 L. R. A. 181; 105 Am. St. Rep. 187)	2904
— <i>v.</i> Denver Union Stockyards Co. (39 Colo. 221; 90 Pac. 127)	1687, 1689, 1846	— <i>v.</i> Rockland (96 Me. 129; 51 Atl. 815)	2880, 2882
Botsford <i>v.</i> O'Conner (57 Ill. 72)	2611	Bowditch <i>v.</i> Boston (101 U. S. 16)	2846, 2847, 2848, 2884, 2885
Bott <i>v.</i> Pratt (33 Minn. 323; 23 N. W. 237; 53 Am. Rep. 47)	964	— <i>v.</i> Boston (164 Mass. 107; 41 N. E. 132)	1219, 1675
— <i>v.</i> Secretary of State (61 N. J. L. 163; 38 Atl. 1099)	655, 656	— <i>v.</i> Boston (168 Mass. 239; 46 N. E. 1026)	1169
Botto's Exr. <i>v.</i> Louisville (117 Ky. 798; 79 S. W. 241)	2442	— <i>v.</i> Gourley (24 Pa. Super. Ct. 342)	1267
Boucha <i>v.</i> Alger Circuit Judge (159 Mich. 610; 124 N. W. 532)	2740	Bowdoinham <i>v.</i> Richmond (6 Me. 112; 19 Am. Dec. 197)	629
Boucher <i>v.</i> New Haven (40 Conn. 456)	2984, 3019, 3020, 3021	Bowe <i>v.</i> United States (42 Fed. Rep. 761)	1231
Boughner <i>v.</i> Bay City (156 Mich. 193; 120 N. W. 597)	2817, 2820	Bowen, <i>Ex parte</i> (34 Tex. Crim. Rep. 107; 29 S. W. 269)	1086
— <i>v.</i> Clarksburg (15 W. Va. 394)	1695, 1696, 1697, 2753	— <i>v.</i> Hester (143 Ind. 511; 41 N. E. 330)	1838
Boulder <i>v.</i> Niles (9 Colo. 415; 12 Pac. 632)	2967, 3000	— <i>v.</i> Huntington (35 W. Va. 682; 14 S. E. 217)	3028
— <i>v.</i> Weger (17 Colo. App. 69; 66 Pac. 1070)	3014	— <i>v.</i> Morris (2 Taunt. 374)	1176
Bouldin <i>v.</i> Baltimore (15 Md. 18)	1015, 2596, 2598	— <i>v.</i> Team (6 Rich. L. [S. Car.] 298; 60 Am. Dec. 127)	1892
— <i>v.</i> Lockhart (1 Lea [Tenn.] 195)	660	Bower <i>v.</i> State Bank (5 Ark. 234)	609
— <i>v.</i> Lockhart (3 Baxt. [Tenn.] 262)	660	— <i>v.</i> United Gas Imp. Co. (37 Pa. Super. Ct. 113)	2218
Boulo <i>v.</i> New Orleans M. & T. R. Co. (55 Ala. 480)	491	Bowers <i>v.</i> Indianapolis (169 Ind. 105; 81 N. E. 1097)	1054
Boulton <i>v.</i> Columbia (71 Mo. App. 519)	3002	— <i>v.</i> Suffolk Mfg. Co. (4 Cush. [Mass.] 332)	1726, 1727
— <i>v.</i> Crowther (2 B. & C. 703)	2929, 2938	Bowery Nat'l Bank <i>v.</i> New York (63 N. Y. 336)	1243, 1259
— <i>v.</i> Kolkmeier (97 Mo. App. 530; 71 S. W. 539)	1190	— <i>v.</i> Wilson (122 N. Y. 478; 25 N. E. 855; 9 L. R. A. 706; 19 Am. St. Rep. 507)	743
Bound <i>v.</i> Wisconsin Cent. R. Co. (45 Wis. 543)	344, 1512, 2770	Bowes <i>v.</i> Boston (155 Mass. 344; 29 N. E. 633; 15 L. R. A. 365)	2969
Bounds <i>v.</i> Kirven (63 Tex. 159)	2949	Bowie <i>v.</i> Kansas City (51 Mo. 454)	440
Bourdeaux <i>v.</i> Coquard (47 Ill. App. 254)	1339		

[References are to pages]

Brooks <i>v.</i> Franconia School Dist. (73 N. H. 263; 61 Atl. 127)	881	Brown <i>v.</i> Bachman ([Tex. Civ. App.], 72 S. W. 622)	2963, 3002, 3020, 3028, 3034
— <i>v.</i> Hyde (37 Cal. 366)	263	— <i>v.</i> Barstow (87 Iowa, 344; 54 N. W. 241)	1820
— <i>v.</i> Mitchell (9 M. & W. 15)	1350	— <i>v.</i> Beatty (34 Miss. 227; 69 Am. Dec. 389)	1659, 1663
— <i>v.</i> New Durham (55 N. H. 559)	1177	— <i>v.</i> Belleville (30 Upper Can. Q. B. 373)	1188, 1189
— <i>v.</i> Polk County (52 Iowa, 460; 3 N. W. 494)	2429	— <i>v.</i> Birmingham (140 Ala. 590; 37 So. 173)	990, 992
— <i>v.</i> Riding (46 Ind. 15) 1887, 1892, 1903		— <i>v.</i> Board of Education of Pomona (103 Cal. 531; 37 Pac. 503)	1184
— <i>v.</i> Somerville (106 Mass. 271)	3010	— <i>v.</i> Bradlee (156 Mass. 28; 30 N. E. 85; 15 L. R. A. 509; 32 Am. St. Rep. 430)	550
— <i>v.</i> Wichita (114 Fed. Rep. 297)	1962	— <i>v.</i> Brown (34 Barb. [N. Y.] 533)	1151, 1152
Brookville <i>v.</i> Arthurs (130 Pa. 501; 18 Atl. 1076)	3032, 3033	— <i>v.</i> Brown (7 Oreg. 285)	1568
— <i>v.</i> Gagle (73 Ind. 117)	975, 977	— <i>v.</i> Buena Vista County (95 U. S. 157)	1497
Broome <i>v.</i> New York & N. J. Tel. Co. (42 N. J. Eq. 141; 7 Atl. 851)	1928	— <i>v.</i> Cape Girardeau (90 Mo. 377; 2 S. W. 302; 59 Am. Rep. 28)	914, 2868
Brophy <i>v.</i> Hyatt (10 Colo. 223; 15 Pac. 399)	874, 959, 988	— <i>v.</i> Carrollton (122 Mo. App. 276; 99 S. W. 37)	1039, 1045, 1047
— <i>v.</i> Landman (28 Ohio St. 542)	2451, 2585, 2598	— <i>v.</i> Carthage (128 Mo. 10; 30 S. W. 312)	1689, 1691, 1899
— <i>v.</i> Perth Amboy (44 N. J. L. 217)	976	— <i>v.</i> Catlettsburg (11 Bush [Ky.] 436)	990
— <i>v.</i> Schindler (126 Mich. 341; 85 N. W. 1114)	2709	— <i>v.</i> Cedar Rapids (117 Iowa, 302; 90 N. W. 711)	1903
— <i>v.</i> Gananoque (26 Upper Can. C. P. 290)	608	— <i>v.</i> Central Bermudez Co. (162 Ind. 452; 69 N. E. 150)	2534, 2538
Brostrom <i>v.</i> Lauppe (179 Mass. 315; 60 N. E. 785)	1059	— <i>v.</i> Chillicothe (122 Iowa, 640; 98 N. W. 502)	2975, 3018
Broughton <i>v.</i> Manchester Water- Works (3 Barn. & Ald. 1)	540	— <i>v.</i> Corry (175 Pa. St. 528; 34 Atl. 854)	362
— <i>v.</i> Pensacola (93 U. S. 266)	444,	— <i>v.</i> Crego (32 Iowa, 498)	2674
595, 597, 599, 600, 602, 603, 604, 625, 2703		— <i>v.</i> Crippin (4 H. & M. [Va.] 173)	2647
Broumel <i>v.</i> White (87 Md. 521; 39 Atl. 1047)	1703	— <i>v.</i> Denver (7 Colo. 305; 3 Pac. 455)	306, 334
Brouwer <i>v.</i> Appleby (1 Sandf. [N. Y.] 158)	127, 442	— <i>v.</i> District of Columbia (127 U. S. 579)	847, 1239, 2882
Brower <i>v.</i> Kantner (190 Pa. St. 182; 43 Atl. 7)	744, 792	— <i>v.</i> Drain (112 Fed. Rep. 582; aff'd 187 U. S. 635)	2364, 2521, 2525
— <i>v.</i> New York (3 Barb. [N. Y.] 254)	2773, 2914	— <i>v.</i> Duplessis (14 La. An. 842)	1978, 1979, 2002
— <i>v.</i> Philadelphia (142 Pa. 350; 21 Atl. 828)	1060, 1631	— <i>v.</i> Foster (88 Me. 49; 33 Atl. 662; 31 L. R. A. 116)	836
— <i>v.</i> Schuylkill County (21 Pa. Co. Ct. R. 311; 7 Pa. Dist. R.)	702, 2750	— <i>v.</i> Frankfort ([Ky.], 9 S. W. 384)	2211
Brown, <i>Re</i> (116 U. S. 401)	2646, 2659	— <i>v.</i> Galveston (97 Tex. 1; 75 S. W. 488)	54, 166
— <i>v.</i> Ansel (82 S. Car. 141; 63 S. E. 449)	2657	— <i>v.</i> Gates (15 W. Va. 131)	61, 468, 470, 1585, 1587, 2674, 2675, 2678, 2679, 2687
— <i>v.</i> Ashville El. L. Co. (138 N. Car. 533; 51 S. E. 62; 69 L. R. A. 631; 107 Am. St. Rep. 554)	1913	— <i>v.</i> Gerald (100 Me. 351; 61 Atl. 785; 70 L. R. A. 472; 109 Am. St. Rep. 526)	2126
— <i>v.</i> Atchison (39 Kan. 37; 17 Pac. 465; 7 Am. St. Rep. 515)	1547, 1548		
— <i>v.</i> Atlanta (66 Ga. 71)	2913		
— <i>v.</i> Atlantic R. & P. Co. (113 Ga. 462; 39 S. E. 71)	1664, 1971		



## TABLE OF CASES CITED

51

[References are to pages]

<b>Brown v. Glasgow</b> (57 Mo. 156) 2970, 2974, 2991	<b>Brown v. Painter</b> (44 Iowa, 368) 2835
— <b>v. Goben</b> (122 Ind. 113; 23 N. E. 519) 639	— <b>v. Pierce</b> (78 Neb. 623; 111 N. W. 366) 2996
— <b>v. Grand Rapids</b> (83 Mich. 101; 47 N. W. 117) 2600	— <b>v. Randolph County Election Canvassers</b> (45 W. Va. 826; 32 S. E. 168) 2799
— <b>v. Grangeville</b> (8 Idaho, 784; 71 Pac. 151) 60	— <b>v. Russell</b> (166 Mass. 14; 43 N. E. 1005; 32 L. R. A. 253; 55 Am. St. Rep. 357) 711
— <b>v. Hines</b> (16 Ind. App. 1; 44 N. E. 655) 1799	— <b>v. Salt Lake City</b> (33 Utah, 222; 93 Pac. 570; 14 L. R. A. N. S. 619) 2136, 2813, 2815, 2817, 2913
— <b>v. Houston</b> (114 U. S. 622; aff'g 33 La. An. 843; 39 Am. Rep. 284) 2319, 2335	— <b>v. San Francisco</b> (124 Cal. 274; 57 Pac. 82) 1837, 1838, 2797
— <b>v. Houston</b> ([Tex. Civ. App.], 48 S. W. 760) 1224, 2647	— <b>v. Sarnia</b> (11 Up. Can. Q. B. 87) 3044, 3045, 3046
— <b>v. Hunn</b> (27 Conn. 332; 71 Am. Dec. 71) 1106	— <b>v. Seattle</b> (5 Wash. 35; 31 Pac. 313; 32 Pac. 214; 18 L. R. A. 161) 1664
— <b>v. Ingalls Tp.</b> (86 Fed. Rep. 261; rev'g 81 Fed. Rep. 485) 1380, 1386, 1461, 1503	— <b>v. Southbury</b> (53 Conn. 212; 1 Atl. 819) 2820
— <b>v. Issaquena County</b> (54 Miss. 230) 1888	— <b>v. Southwestern T. &amp; T'Co.</b> (17 Tex. Civ. App. 433; 44 S. W. 59) 1931
— <b>v. Jacobs</b> (77 Wis. 29; 45 N. W. 679) 1304	— <b>v. Stein</b> (38 Neb. 596; 57 N. W. 401) 1709
— <b>v. Jefferson County</b> (16 Iowa, 339) 2994, 3018	— <b>v. Taber</b> (103 Iowa, 1; 72 N. W. 416) 1719, 1744
— <b>v. Jenks</b> (98 Cal. 10; 32 Pac. 701) 1261, 1262	— <b>v. Tama County</b> (122 Iowa, 745; 98 N. W. 562; 101 Am. St. Rep. 296) 744, 745
— <b>v. Jerome</b> (102 Ill. 371) 1117	— <b>v. Toledo</b> (5 Ohio Cir. Dec. 115) 2772
— <b>v. Johnson County</b> (1 G. Greene [Iowa] 486) 1319	— <b>v. Towanda</b> (24 Pa. Super. Ct. 378) 2984
— <b>v. Joliet</b> (22 Ill. 123) 2594	— <b>v. Trousdale</b> (138 U. S. 389) 2772
— <b>v. Lindsay</b> (35 Upper Canada Q. B. 509) 1146, 1188, 1189	— <b>v. Trustees of Schools</b> (224 Ill. 184; 79 N. E. 579; 115 Am. St. Rep. 146) 1896, 1900, 1902
— <b>v. London</b> (9 Com. B. N. S. 726) 195	— <b>v. Union</b> (62 N. J. L. 142; 40 Atl. 632, aff'd 65 N. J. L. 601; 48 Atl. 562) 2616, 2620
— <b>v. Louisburg</b> (126 N. Car. 701; 36 S. E. 166; 78 Am. St. Rep. 677) 3028	— <b>v. Union Insurance Co.</b> (3 La. An. 177) 590
— <b>v. Lowell</b> (8 Met. [Mass.] 172) 1821, 1822, 1823, 2922, 2928	— <b>v. United States</b> (81 Fed. Rep. 55) 497
— <b>v. Manning</b> (6 Ohio, 298; 27 Am. Dec. 255) 1689, 1690, 1704, 1708, 1718, 1747, 1762, 1791, 2775	— <b>v. Utica</b> (2 Barb. [N. Y.] 104) 1296
— <b>v. Maryland</b> (12 Wheat. [U. S.] 419) 2319, 2320, 2476	— <b>v. Vinalhaven</b> (65 Me. 402; 20 Am. Rep. 709) 557, 2873, 2882, 2899
— <b>v. Nehmer</b> (128 Mich. 690; 87 N. W. 1035) 2650	— <b>v. Watson</b> (47 Me. 161; 74 Am. Dec. 482) 3005
— <b>v. Newport Bd. of Education</b> (108 Ky. 783; 57 S. W. 612) 66, 348	— <b>v. Webster City</b> (115 Iowa, 511; 88 N. W. 1070) 2877
— <b>v. New York</b> (63 N. Y. 239) 225, 231, 232, 1191, 2636	— <b>v. White</b> (202 Pa. 297; 51 Atl. 962) 3029
— <b>v. New York</b> (72 N. Y. App. Div. 420; 76 N. Y. Supp. 26) 1275	— <b>v. Winterport</b> (79 Me. 305; 9 Atl. 844) 831, 872, 1191
— <b>v. New York</b> (32 N. Y. Misc. 571; 66 N. Y. Supp. 382) 2861, 2889	— <b>v. Woodbridge St. Lighting Dist.</b> (69 N. J. L. 485; 55 Atl. 1080, aff'd 70 N. J. L. 762; 58 Atl. 339) 2605
— <b>v. Nicholson</b> (5 C. B. N. S. 468) 976	
— <b>v. Orangeburg County</b> (55 S. Car. 45; 32 S. E. 764; 44 L. R. A. 734) 2851	
— <b>v. Owen</b> (75 Miss. 319; 23 So. 35) 2649	

[References are to pages]

- Brown v. Woodbridge St. Lighting Dist.* (71 N. J. L. 79; 58 Atl. 115) 1143, 1147
- Brown & Haywood Co. v. Ligon* (92 Fed. Rep. 851) 1267
- Brown County v. Butt* (2 Ohio, 348) 2857
- *v. Martin* (50 Ohio St. 197; 33 N. E. 1112) 2606
- Browne v. Bentonville* ([Ark.], 126 S. W. 93) 2838
- *v. Boston* (179 Mass. 321; 60 N. E. 934) 353, 375, 2115
- *v. Bowdoinham* (71 Me. 144) 1693
- *v. Selser* (10 La. 691; 31 So. 290) 2380
- Brownell v. Greenwich* (114 N. Y. 518; 22 N. E. 24; 4 L. R. A. 685) 1399, 1413, 1538, 1540
- *v. Palmer* (22 Conn. 107) 1898
- *v. Russell* (76 Vt. 326; 57 Atl. 103) 801
- Brownfield v. Houser* (30 Oreg. 534; 49 Pac. 843) 2764, 2782, 2785
- Browning v. Camden W. R. & T. Co.* (3 H. W. Green Ch. [N. J.] 47) 1657
- *v. Owen County* (44 Ind. 11) 2868, 2871, 2873
- *v. Springfield* (17 Ill. 143) 2951, 2993
- Brownlee v. Alexis* (39 Ill. App. 135) 3020
- Brownlow v. Metropolitan Bd. of Works* (13 C. B. N. s. 768; 16 C. B. N. s. 546) 2717
- Brown, Riley & Co. v. United States* (20 Court of Claims Rep. 416) 1546
- Brown's Admr. v. Guyandotte* (34 W. Va. 299; 12 S. E. 707) 2866, 2886
- Brownsville v. Loague* (129 U. S. 493) 2680, 2682, 2685
- Brownville v. Cook* (4 Neb. 101) 968, 969, 970, 972, 1122
- Bruce v. Bruce* (2 B. & P. 229) 637, 887
- *v. Central M. E. Church* (147 Mich. 230; 110 N. W. 951; 10 L. R. A. N. s. 74) 2898
- *v. Dickey* (116 Ill. 527; 6 N. E. 435) 1190
- *v. Pittsburg* (166 Pa. St. 152; 30 Atl. 831) 258, 402, 406, 419, 421, 1460
- *v. Seaboard A. L. R. Co.* (52 Fla. 461; 41 So. 883) 1702, 1703
- *v. United States* (11 How. [U. S.] 437) 683
- Bruce County v. Cromar* (22 Upper Can. Q. B. 321) 609
- Bruker v. Covington* (69 Ind. 33; 35 Am. Rep. 203) 3001
- Brule County v. King* (11 S. Dak. 294; 77 N. W. 107) 2479
- Brumagim v. Tillinghast* (18 Cal. 265; 79 Am. Dec. 176) 2831
- Brumby v. Boyd* ([Tex. Civ. App.], 66 S. W. 874) 666
- *v. Harris* (107 Ga. 257; 33 S. E. 49) 2487
- Brumit v. Virginia & S. W. R. Co.* (106 Tenn. 124; 60 S. W. 505) 2013
- Brummer v. Galveston* (97 Tex. 93; 76 S. W. 428) 2482
- Brummitt v. Ogden Waterworks Co.* (33 Utah, 289; 93 Pac. 828) 2132, 2161, 2233, 2241, 2243, 2768
- Brumm's Appeal* (22 W. N. C. [Pa.] 137; 12 Atl. 855) 2219
- Bruner v. Bryan* (50 Ala. 523) 744
- Brunnetti v. New Orleans* (9 La. 430) 1010
- Brunson v. Youmans* (76 S. Car. 128) 1051
- Brunswick v. Bath* (90 Me. 479; 38 Atl. 532) 2709, 2725
- *v. Braxton* (70 Ga. 193) 3015
- *v. Fahm* (60 Ga. 109) 744
- *v. Harvey* (114 Ga. 733; 40 S. E. 754) 682
- *v. King* (91 Ga. 522; 17 S. E. 940) 1809
- *v. Litchfield* (2 Me. 28) 199
- *v. Tucker* (103 Ga. 233; 29 S. E. 701; 68 Am. St. Rep. 92) 3040, 3055
- Brunswick & T. Water Dist. v. Maine Water Co.* (99 Me. 371; 59 Atl. 537) 2116, 2196, 2197, 2198, 2265, 2267, 2270, 2275, 2276, 2279, 2280, 2290
- Brunswick & W. R. Co. v. Hardey* (112 Ga. 604; 37 S. E. 888; 52 L. R. A. 396) 3029
- *v. Waycross* (94 Ga. 102; 21 S. E. 145) 1621, 1645, 1646
- Brunswick Gas Light Co. v. Brunswick* (92 Me. 493; 43 Atl. 104) 2869
- *v. United Gas, Fuel & Light Co.* (85 Me. 532; 27 Atl. 525; 35 Am. St. Rep. 385) 2211
- Brush v. Carbondale* (78 Ill. 74) 1820
- *v. New York* (59 N. Y. App. Div. 12; 69 N. Y. Supp. 51) 2960, 2972, 3020
- Brush El. Light & Power Co. v. Lefevre* (93 Tex. 604; 57 S. W. 640; 49 L. R. A. 771; 77 Am. St. Rep. 898) 979
- *v. Montgomery* (114 Ala. 433; 21 So. 960) 1184, 2293, 2294

## TABLE OF CASES CITED

53

[References are to pages]

- Bruson v. Clark** (151 Ill. 495; 38 N. E. 252) 441
- Brusso v. Buffalo** (90 N. Y. 679) 2952, 2976, 3022, 3024
- Bryan v. Bates** (15 Ill. 87) 675, 981
- **v. Cattell** (15 Iowa, 538) 727, 728, 2645, 2660, 2708, 2709
- **v. Chester** (212 Pa. 259; 61 Atl. 894; 108 Am. St. Rep. 870) 1064
- **v. Chicago** (60 Ill. 507) 2404
- **v. Lincoln** (50 Neb. 620; 70 N. W. 252) 659, 1385
- **v. Page** (51 Tex. 532; 32 Am. Rep. 637) 450, 1155, 1169, 1170, 1171, 1184, 1185, 1191, 1192
- Bryant v. Estabrook** (16 Neb. 217; 20 N. W. 245) 1717
- **v. Logan** (56 W. Va. 141; 49 S. E. 21) 1594
- **v. Orangeburg** (70 S. Car. 137; 49 S. E. 229) 2841, 2984
- **v. Randolph** (133 N. Y. 70; 30 N. E. 657) 767, 770
- **v. Russell** (127 Mo. 422; 30 S. W. 107) 2488
- **v. St. Paul** (33 Minn. 289; 23 N. W. 220; 53 Am. Rep. 31) 2880, 2896
- Bryant's Lessee v. McCandless** (7 Ohio, Pt. 2, 135) 1579, 1694
- Brymer v. Butler Water Co.** (172 Pa. 489; 33 Atl. 707) 2182, 2201, 2203, 2209, 2210
- **v. Butler Water Co.** (179 Pa. 331; 36 Atl. 249; 36 L. R. A. 260) 2229, 2262, 2275, 2284, 2288, 2289
- Bryson v. Philadelphia** (47 Pa. St. 329) 464
- Buchanan v. Barre** (66 Vt. 129; 28 Atl. 878; 23 L. R. A. 488; 44 Am. St. Rep. 829) 2957
- **v. Curtis** (25 Wis. 99; 3 Am. Rep. 23) 1708, 1725
- **v. Litchfield** (102 U. S. 278) 391, 1422, 1442, 1443, 1448, 1453, 1454, 1461, 1473
- Buchanan & Smock Lumber Co. v. East Jersey Coast Water Co.** (71 N. J. L. 350; 59 Atl. 31) 2306
- Buchanan Bridge Co. v. Campbell** (60 Ohio St. 406; 54 N. E. 372) 1193
- Buchanan's Sons v. Cranford Co.** (112 N. Y. App. Div. 278; 98 N. Y. Supp. 378) 1852
- Buchmeier v. Davenport** (138 Iowa, 623; 116 N. W. 695) 2820
- Buchner v. Chicago, M. & N. W. R. Co.** (60 Wis. 264; 19 N. W. 56) 2011
- Buck v. Beach** (206 U. S. 392) 2410, 2416
- Buck v. Biddeford** (82 Me. 433; 19 Atl. 912) 2960, 3016
- **v. Danzenbacker** (37 N. J. L. 359) 1136
- **v. Eureka** (109 Cal. 504; 42 Pac. 243; 30 L. R. A. 409) 741
- **v. Eureka** (119 Cal. 44; 50 Pac. 1065) 417
- **v. Lockport** (6 Lansing [N. Y.] 251) 2678
- Buckbee v. Board of Education** (115 N. Y. App. Div. 366; 100 N. Y. Supp. 943, aff'd 187 N. Y. 544; 80 N. E. 1106) 737, 804
- **v. Brown** (21 Wend. [N. Y.] 110) 515, 516
- Buckhout v. New York City** (176 N. Y. 363; 68 N. E. 659) 2432
- Buckingham v. Smith** (10 Ohio, 288) 1625
- Buckley v. Kansas City** (156 Mo. 16; 56 S. W. 319) 3014
- **v. New Bedford** (155 Mass. 64; 29 N. E. 201) 3047, 3052, 3060
- **v. New York** (135 N. Y. App. Div. 512; 120 N. Y. Supp. 423) 2982
- **v. Tacoma** (9 Wash. 253; 37 Pac. 441) 2609
- Buckman v. Ferguson** (108 Cal. 33; 40 Pac. 1057) 2634
- **v. Hatch** (139 Cal. 53; 72 Pac. 445) 2454
- **v. Landers** (111 Cal. 347; 43 Pac. 1125) 2447, 2630, 2634
- **v. State** (34 Fla. 48; 15 So. 697) 2730
- Bucknall v. Story** (36 Cal. 67) 2401, 2485
- **v. Story** (46 Cal. 589; 13 Am. Rep. 220) 2832
- Buckner, In re** (9 Ark. 73) 2793, 2794
- **v. Augusta** (1 A. K. Marsh. [Ky.] 9) 1758
- Buckwalter v. School Dist. No. 42** (65 Kan. 603; 70 Pac. 605) 1661
- Bucroft v. Council Bluffs** (63 Iowa, 646; 19 N. W. 870) 1248, 1252, 1253
- Budd v. Camden Horse R. Co.** (61 N. J. Eq. 543; 48 Atl. 1028; aff'd 63 N. J. Eq. 804; 52 Atl. 1130) 919
- **v. Camden Horse R. Co.** (70 N. J. L. 782; 59 Atl. 229) 2007
- **v. Hancock** (66 N. J. L. 133, 48 Atl. 1023) 253, 259, 278, 312, 314
- **v. New York** (143 U. S. 517) 515, 554, 2226, 2228
- Buddecke v. Ziegenhein** (122 Mo. 239; 26 S. W. 696) 2609



[References are to pages]

- Budge v. Grand Forks* (1 N. Dak. 309; 47 N. W. 390; 10 L. R. A. 165) 2640
- Buell v. Arnold* (124 Wis. 65; 102 N. W. 338) 1559, 1587
- *v. Ball* (20 Iowa, 282) 914, 2429, 2430
- *v. Buckingham* (16 Iowa, 284; 85 Am. Dec. 516) 827, 846, 850
- *v. State* (45 Ark. 336) 1042, 1096
- Buena Vista Board of Health v. East Saginaw* (45 Mich. 257; 7 N. W. 808) 626
- Buess v. West Hoboken* (51 N. J. L. 267; 17 Atl. 110) 2537
- Buffalo, In re* (64 N. Y. 547) 1620
- (68 N. Y. 167) 1611
- (78 N. Y. 362) 872, 1646
- Buffalo, Matter of* (139 N. Y. 422; 34 N. E. 1103) 1627, 1670
- (189 N. Y. 163; 81 N. E. 954, rev'g 116 N. Y. App. Div. 555; 101 N. Y. Supp. 966) 1806
- Buffalo v. Balcom* (134 N. Y. 532; 32 N. E. 7) 1582
- *v. Bettinger* (76 N. Y. 393) 2809
- *v. Buffalo Gas Co.* (81 N. Y. App. Div. 505; 80 N. Y. Supp. 1093) 2216, 2217
- *v. Chadeayne* (134 N. Y. 163; 31 N. E. 443) 1104
- *v. Collins Baking Co.* (39 N. Y. App. Div. 432; 57 N. Y. Supp. 347, aff'g 24 N. Y. Misc. 745; 53 N. Y. Supp. 968) 1009, 1083
- *v. Delaware L. & W. R. Co.* (190 N. Y. 84; 82 N. E. 513; 16 L. R. A. n. s. 506, rev'g 114 N. Y. App. Div. 915; 99 N. Y. Supp. 1049) 1724, 1743, 1745, 1897
- *v. Delaware L. & W. R. Co.* (68 N. Y. App. Div. 488; 74 N. Y. Supp. 343, aff'd 178 N. Y. 561; 70 N. E. 1097) 478, 480, 1702, 1714, 1743, 1897, 1899
- *v. Delaware, L. & W. R. Co.* (39 N. Y. Supp. 4) 1757, 1897
- *v. Hill* (79 N. Y. App. Div. 402; 79 N. Y. Supp. 449) 925, 937, 939, 996, 998, 1073
- *v. Hoffeld* (6 N. Y. Misc. 197; 27 N. Y. Supp. 869) 1899
- *v. Holloway* (7 N. Y. 493; 57 Am. Dec. 550, aff'g s. c. 14 Barb. [N. Y.] 101) 3015, 3024
- *v. Le Couteulx* (15 N. Y. 451) 2458, 2459
- *v. Lewis* (192 N. Y. 193; 84 N. E. 809) 1088
- *v. New York, L. & E. W. R. Co.* (152 N. Y. 276; 46 N. E. 496) 902, 1091, 1092, 2067
- Buffalo v. Pratt* (131 N. Y. 293; 30 N. E. 233; 27 Am. St. Rep. 592) 1607, 1806
- *v. Preston* (81 N. Y. App. Div. 480; 80 N. Y. Supp. 851) 1128
- *v. Reavey* (37 N. Y. App. Div. 228; 55 N. Y. Supp. 792) 931
- *v. Webster* (10 Wend. [N. Y.] 100) 963, 964, 1002, 1073, 1077
- Buffalo & H. Turnp. Co. v. Buffalo* (58 N. Y. 639) 2874, 2876
- Buffalo & N. F. R. Co. v. Buffalo* (5 Hill [N. Y.] 209) 1003, 1090, 2067
- Buffalo Cement Co. v. McNaughton* (90 Hun [N. Y.] 74; 35 N. Y. Supp. 453; aff'd 156 N. Y. 702; 51 N. E. 1089) 1265, 1267
- Buffalo Cemetery Assoc. v. Buffalo* (118 N. Y. 61; 22 N. E. 962) 2573, 2574
- Buffalo Loan, Trust and Safe Deposit Co. v. Medina Gas, etc. Co.* (162 N. Y. 67; 56 N. E. 505) 1351
- Buffalo School Furniture Co. v. School Dist.* (7 Kan. App. 796; 54 Pac. 115) 1284, 1294, 1312, 1319, 1327
- Buffett v. Troy & B. R. Co.* (40 N. Y. 168) 2810
- Buffington v. Grosvenor* (46 Kan. 730; 27 Pac. 137; 13 L. R. A. 282) 2377
- Buffington Wheel Co. v. Burnham* (60 Iowa, 493; 15 N. W. 282) 860, 904
- Buford v. State* (72 Tex. 182; 10 S. W. 401) 590
- Buggeln v. Doe* (8 Ariz. 341; 76 Pac. 458) 2710
- Buhl v. Fort Street Union Depot Co.* (98 Mich. 596; 57 N. W. 829; 23 L. R. A. 392) 1841, 1843
- Bulger v. Eden* (82 Me. 352; 19 Atl. 829; 9 L. R. A. 205) 3047
- Bulkeley v. Williams* (68 Conn. 131; 35 Atl. 24, 421; 48 L. R. A. 465) 216
- Bulkley v. Eckert* (3 Pa. 368; 45 Am. Dec. 650) 470
- Bull v. Read* (13 Gratt. [Va.] 78) 127, 2396, 2786
- *v. Sims* (23 N. Y. 570) 1299, 1301, 1305
- Bullen v. Arkansas Valley & W. R. Co.* (20 Okla. 819; 95 Pac. 476) 1846
- Bullitt v. Selvage* (20 Ky. Law Rep. 599; 47 S. W. 255) 2526
- Bullmaster v. St. Joseph* (70 Mo. App. 60) 182, 199, 2880, 2910, 2911

## TABLE OF CASES CITED

55

[References are to pages]

<b>Bullock v. Biggs</b> ([N. J. L.], 73 Atl. 69) 2732	<b>Burg v. Chicago, R. I. &amp; P. R. Co.</b> (90 Iowa, 106; 57 N. W. 680; 48 Am. St. Rep. 419) 1091
— <b>v. Curry</b> (2 Met. [Ky.] 171) 1566	<b>Burge v. Rockwell</b> (120 Iowa, 495; 94 N. W. 1103) 1236
— <b>v. Geomble</b> (45 Ill. 218) 960	<b>Burger v. Philadelphia</b> (196 Pa. St. 41; 46 Atl. 262) 3019
— <b>v. New York</b> (99 N. Y. 654; 2 N. E. 1) 3001	<b>Burges v. Mabin</b> (70 Iowa, 633; 27 N. W. 464) 1511
<b>Bullwinkle v. Guttenburg</b> (17 Wis. 585) 2813	<b>Burgess v. Jefferson</b> (21 La. An. 143) 1206, 1208
<b>Bulow v. Charleston</b> (1 Nott & McC. [S. Car.] 527) 2423	— <b>v. Pue</b> (2 Gill [Md.] 11; s. c. 2 Gill [Md.] 254) 678, 865, 2396
<b>Bumb v. Evansville</b> (168 Ind. 272; 80 N. E. 625) 947	— <b>v. Seligman</b> (107 U. S. 20) 1406, 1407, 1408, 1409
<b>Bummel v. Houston</b> (68 Tex. 10; 2 S. W. 740) 2478	— <b>v. Wareham</b> (7 Gray [Mass.] 345) 766
<b>Bumsted v. Govern</b> (47 N. J. L. 368; 1 Atl. 835) 312	<b>Burget v. Greenfield</b> (120 Iowa, 432; 94 N. W. 933) 1097
<b>Bunce v. Reed</b> (16 Barb. [N. Y.] 347) 643	<b>Burginhofen v. Martin</b> (3 Yeates [Pa.] 479) 2731
<b>Bunch v. Edenton</b> (90 N. C. 431) 2964, 3032	<b>Burguires Co. v. Sanders</b> (111 La. 109; 35 So. 478) 2527
<b>Buncombe v. McCarson</b> (1 D. & B. [N. Car.] 306) 2733	<b>Burhans v. Norwood Park</b> (138 Ill. 147; 27 N. E. 1088) 2615
<b>Bundy v. Catto</b> (61 Ill. App. 209) 1816	<b>Burk v. State</b> (5 Lea [Tenn.] 349) 444
— <b>v. United States</b> (25 App. D. C. 459) 2709	<b>Burkam v. Ohio &amp; M. R. Co.</b> (122 Ind. 344; 23 N. E. 799) 1775, 1966, 1975, 1993, 1998, 2947
<b>Bunker v. Gouldsboro</b> (81 Me. 188; 16 Atl. 543) 717	<b>Burke, In re</b> (62 N. Y. 224) 1812, 2581
— <b>v. Hudson</b> (122 Wis. 43; 99 N. W. 448) 2816, 2877, 2923, 2933	— <b>v. Chicago Sanitary Dist.</b> (152 Ill. 125; 38 N. E. 670) 1675
— <b>v. Hutchinson</b> (74 Kan. 651; 87 Pac. 884) 1205	— <b>v. Edgar</b> (67 Cal. 182; 7 Pac. 488) 743
<b>Bunnell's Appeal</b> (69 Pa. St. 59) 1789	— <b>v. Elliott</b> (4 Ired. L. 355; 42 Am. Dec. 142) 2733
<b>Buntin v. Danville</b> (93 Va. 200; 24 S. E. 830) 1695, 1724, 1743, 1745, 1897	— <b>v. Holtzman</b> (110 N. Y. App. Div. 564; 97 N. Y. Supp. 218) 692
<b>Bunting v. Willis</b> (27 Gratt. [Va.] 144; 21 Am. Rep. 333) 727	— <b>v. Holtzmann</b> (117 N. Y. App. Div. 292; 102 N. Y. Supp. 162) 715
<b>Burbach v. Schweinler</b> (56 Wis. 386; 14 N. W. 449) 1722	— <b>v. Lukens</b> (12 Ind. App. 648; 40 N. E. 641) 2486
<b>Burbank v. Fay</b> (65 N. Y. 57) 1561, 1890	— <b>v. New York</b> (7 N. Y. App. Div. 128; 40 N. Y. Supp. 81) 1241
<b>Burch v. Hardwicke</b> (30 Gratt. [Va.] 24) 153, 162, 176, 675, 774, 2884	— <b>v. South Omaha</b> (79 Neb. 793; 113 N. W. 241) 2996
— <b>v. Savannah</b> (42 Ga. 596) 2470	— <b>v. Trustees of Police Pension Fund</b> (4 Cal. App. 235; 87 Pac. 421) 755
— <b>v. Winston</b> (57 Mo. 62) 1899	— <b>v. Water Valley</b> (87 Miss. 732; 40 So. 820; 112 Am. St. Rep. 468) 2220
<b>Burck v. Taylor</b> (152 U. S. 634) 1276, 1277, 1280, 1282	— <b>v. Wells</b> (208 U. S. 14; aff'g 184 N. Y. 275; 77 N. E. 19) 2321, 2335
<b>Burckhardt v. Atlanta</b> (103 Ga. 302; 30 S. E. 32) 2580	<b>Burkett v. Athens</b> ([Tenn. Ch. App.], 59 S. W. 667) 1145, 1147, 1149, 1244
<b>Burckholter v. McConnelville</b> (20 Ohio St. 308) 1012	<b>Burkholtz v. State</b> (84 Tenn. 71) 325
<b>Burden v. Stein</b> (25 Ala. 455) 1633	<b>Burleigh v. Rochester</b> (5 Fed. Rep. 667) 1350
— <b>v. Stein</b> (27 Ala. 104; 62 Am. Dec. 758) 1633	
<b>Burdett, Re</b> (127 U. S. 771) 2652	
— <b>v. Swenson</b> (17 Tex. 489; 67 Am. Dec. 665) 1035, 1049	
<b>Bureau Junction v. Long</b> (56 Ill. App. 458) 2960	
<b>Burford v. Grand Rapids</b> (53 Mich. 98; 18 N. W. 571; 51 Am. Rep. 105) 1039, 2839, 2842, 2904, 2980	

## TABLE OF CASES CITED

[References are to pages]

- Burleson *v.* Reading (110 Mich. 512; 68 N. W. 294) 3014  
 Burlingame *v.* Thompson (74 Kan. 393; 86 Pac. 449) 1113  
 Burlington *v.* Bumgardner (42 Iowa, 673, 674) 1004, 2462  
 — *v.* Burlington & M. R. R. Co. (41 Iowa, 134) 1901, 2479, 2480, 2483  
 — *v.* Burlington St. R. Co. (49 Iowa, 144; 31 Am. Rep. 145) 2061  
 — *v.* Burlington Water Co. (86 Iowa, 266; 53 N. W. 246) 2182  
 — *v.* Dankwardt (73 Iowa, 170; 34 N. W. 801) 1073, 1078  
 — *v.* Dennison (42 N. J. L. 165) 896, 910  
 — *v.* Eastlow (43 N. J. L. 113) 919  
 — *v.* Gilbert (31 Iowa, 356; 7 Am. Rep. 143) 2597, 2606, 2927  
 — *v.* Kellar (18 Iowa, 59) 961, 1012  
 — *v.* Leebrick (43 Iowa, 252) 108, 616  
 — *v.* Palmer (67 Iowa, 681; 25 N. W. 877) 2582, 2627  
 — *v.* Pennsylvania R. Co. (56 N. J. Eq. 259; 38 Atl. 849, *aff'd* 58 N. J. Eq. 547; 43 Atl. 700) 281, 296, 1858, 1971, 1991  
 — *v.* Putnam Ins. Co. (31 Iowa, 102) 1004, 2462  
 — *v.* Quick (47 Iowa, 222) 1665, 2455, 2487, 2525, 2593  
 — *v.* Schwartzman (52 Conn. 181; 52 Am. Rep. 571) 1785, 1786  
 — *v.* Stockwell (5 Kan. App. 569; 47 Pac. 988) 961, 1051  
 — *v.* Unterkircher (99 Iowa, 401; 68 N. W. 795) 941  
 Burlington & C. R. Co. *v.* People (20 Colo. App. 181; 77 Pac. 1026) 2645  
 Burlington & H. Ferry Co. *v.* Davis (48 Iowa, 133) 518  
 Burlington & M. R. R. Co. *v.* Lancaster County (4 Neb. 293) 2459  
 — *v.* Otoe Co. (16 Wall. [U. S.] 667; 1 Dill. C. C. 338) 576, 582, 1364  
 — *v.* Reinhackle (15 Neb. 279; 18 N. W. 69) 1986, 2015  
 — *v.* Spearman (12 Iowa, 112) 618, 1812, 2423, 2429, 2574, 2591, 2789  
 Burlington, C. R. & N. R. Co. *v.* Columbus Junction (104 Iowa, 110; 73 N. W. 501) 1731  
 Burlington Independent School Dist. *v.* Burlington (60 Iowa, 500; 15 N. W. 295) 927  
 Burlington Lumber Co. *v.* Willitts (118 Ill. 559; 9 N. E. 254) 2336  
 Burlington Mfg. Co. *v.* Minneapolis Court House Com'rs (67 Minn. 327; 69 N. W. 1091) 440, 1588  
 Burlington Sav. Bank *v.* Clinton (111 Fed. Rep. 439) 373, 1390, 1455  
 Burlington Tp. *v.* Beasley (94 U. S. 310) 1364, 1365, 1642  
 Burlington Water Co. *v.* Woodward (49 Iowa, 58) 371, 376  
 Burlington Water Works Co. *v.* Burlington (43 Kan. 725; 23 Pac. 1068) 2115, 2180, 2297  
 Burmeister, *In re* (76 N. Y. 174) 2581  
 — (56 How. Pr. [N. Y.] 416) 2610  
 Burnes *v.* Atchison (2 Kan. 454) 91, 128, 580, 582, 2399, 2400, 2456, 2765, 2775  
 — *v.* Ballinger (76 Mo. App. 58) 2626  
 — *v.* St. Joseph (91 Mo. App. 489) 2960, 2973, 2998  
 Burness *v.* Multnomah County (37 Oreg. 460; 60 Pac. 1005) 2764  
 Burnet *v.* Dean (63 N. J. Eq. 253; 49 Atl. 503) 296  
 Burnett, *In re* (30 Ala. 461) 451, 961, 1001, 1012, 1014, 1103  
 Burnett *v.* Abbott (51 Ind. 254) 1233  
 — *v.* Boonton (73 N. J. L. 453; 73 Atl. 67) 2602  
 — *v.* Buffalo (17 N. Y. 383) 1646, 2399  
 — *v.* Craig (30 Ala. 135; 68 Am. Dec. 115) 989  
 — *v.* Maloney (97 Tenn. 697; 37 S. W. 689) 242, 1343, 1386  
 — *v.* Markley (23 Oreg. 436; 31 Pac. 1050) 353  
 — *v.* New York (36 N. Y. App. Div. 458; 55 N. Y. Supp. 893) 3055  
 — *v.* Portage County (12 Ohio St. 57) 2677  
 — *v.* Sacramento (12 Cal. 76; 73 Am. Dec. 518) 2502, 2595  
 Burnham *v.* Boston (10 Allen [Mass.] 290) 2963, 3032  
 — *v.* Brown (23 Me. 400) 1350  
 — *v.* Byron (46 Mich. 555; 9 N. W. 851) 2957  
 — *v.* Chicago (24 Ill. 496) 1812  
 — *v.* Fond du Lac (15 Wis. 193) 470  
 — *v.* Milwaukee (98 Wis. 128; 73 N. W. 1018) 299, 376, 377  
 — *v.* Milwaukee (100 Wis. 55; 75 N. W. 1014) 1227, 1229  
 — *v.* Rogers (167 Mo. 17; 66 S. W. 970) 1368  
 Burns, Matter of (155 N. Y. 23; 49 N. E. 246, *rev'g* 16 N. Y. App. Div. 507; 44 N. Y. Supp. 930) 333, 1768  
 Burns, *Ex parte* (1 Tenn. Ch. 83) 105, 110  
 Burns *v.* Baltimore (48 Md. 198) 2627  
 — *v.* Clarion Co. (62 Pa. St. 422) 144, 222

## TABLE OF CASES CITED

57

[References are to pages]

- Burns v. Elba (32 Wis. 605) 2993  
 — v. Harper (59 Ill. 21) 469  
 — v. La Grange (17 Tex. 415) 1118, 1132, 2793  
 — v. Liberty (131 Mo. 372; 33 S. W. 18) 1722  
 — v. Milwaukee & Miss. R. Co. (9 Wis. 450) 1631  
 — v. Toronto (42 Up. Can. Q. B. 560) 2961, 2973  
 Burnside v. Everett (186 Mass. 4; 71 N. E. 82) 3052  
 Burr v. Atlanta (64 Ga. 225) 2323  
 — v. Carbondale (76 Ill. 455) 380, 548, 1339, 1544, 2314  
 — v. Chariton County (12 Fed. Rep. 848) 1518  
 — v. Leicester (121 Mass. 241) 1816, 1818, 2922  
 — v. Plymouth (48 Conn. 460) 2967  
 Burrall v. American Tel. & Tel. Co. (224 Ill. 266; 79 N. E. 705; 8 L. R. A. n. s. 1091) 1928  
 Burrell v. Greenville (133 Mich. 235; 94 N. W. 732) 2969, 2999  
 Burrell Township v. Uncapher (117 Pa. St. 353; 11 Atl. 619; 2 Am. St. Rep. 664) 2978  
 Burridge v. Detroit (117 Mich. 557; 76 N. W. 84; 42 L. R. A. 684; 72 Am. St. Rep. 582) 2892, 2893  
 Burrill v. Augusta (78 Me. 118; 3 Atl. 177; 57 Am. Rep. 788) 2893, 2894, 2895  
 — v. Boston (2 Clifford C. C. 590) 76, 1174, 1176, 1179, 1188, 1190  
 Burris v. Baxter (25 Ind. App. 536; 58 N. E. 733) 2596  
 Burritt v. New Haven (42 Conn. 174) 1832, 2068, 2080, 2927, 2957  
 Burroughs v. Cherokee (134 Iowa, 429; 109 N. W. 876) 1688, 1689, 1727, 1730, 1736, 1903  
 — v. Eastman (101 Mich. 419; 59 N. W. 817; 24 L. R. A. 859; 45 Am. St. Rep. 419) 675  
 — v. Milwaukee (110 Wis. 478; 86 N. W. 159) 2960  
 Burrows v. Guest (5 Utah, 91; 12 Pac. 847) 1733  
 — v. Lake Crystal (61 Minn. 357) 3016  
 Burr's Trial (335) 789  
 Burrton v. Harvey County Sav. Bank (28 Kan. 390) 1284, 1286, 1327  
 Burson v. Huntington (21 Mich. 415; 4 Am. Rep. 497) 1486  
 Burt v. Boston (122 Mass. 223) 3031  
 — v. Merchants' Ins. Co. (106 Mass. 356; 8 Am. Rep. 339) 1603  
 Burt v. Wigglesworth (117 Mass. 302) 1674  
 — v. Winona & St. Peter Ry. Co. (31 Minn. 472; 18 N. W. 285, 289) 121, 843  
 Burton v. Chattanooga (7 Lea [Tenn.] 739) 3045  
 — v. Patton (2 Jones L. [N. Car.] 124; 62 Am. Dec. 194) 2733, 2743  
 — v. Philadelphia, W. & B. R. Co. (4 Harring. [Del.] 252) 1981  
 — v. United States (202 U. S. 344) 1146  
 Burton Co. v. Chicago (236 Ill. 383; 86 N. E. 93) 1873  
 Burton Lumber Co. v. Houston (45 Tex. Civ. App. 363; 101 S. W. 822) 1681  
 Burton Stock Car Co. v. Traeger (187 Ill. 9; 58 N. E. 418) 324  
 Busbee v. Wake County (92 N. Car. 143) 2493, 2503  
 Buschmann v. St. Louis (121 Mo. 523; 26 S. W. 687) 1689, 1744  
 Busenbark v. Clements (22 Ind. App. 557; 53 N. E. 665) 2604  
 Buser v. Cedar Rapids (115 Iowa, 683; 87 N. W. 404) 2927  
 Bush v. Artesian Hot & Cold Water Co. (4 Idaho, 618; 43 Pac. 69; 95 Am. St. Rep. 161) 2304, 2305  
 — v. Beavan (1 Hurl. & Colt. 500) 2652  
 — v. Carbondale (78 Ill. 74) 458, 1235  
 — v. Coler (60 N. Y. App. Div. 56; 69 N. Y. Supp. 770, aff'd 170 N. Y. 587; 63 N. E. 1115) 2781  
 — v. Dubuque (69 Iowa, 233; 28 N. W. 542) 455  
 — v. Johnson (23 Pa. St. 209) 1711, 3028  
 — v. Johnson County (48 Neb. 1; 66 N. W. 1023; 32 L. R. A. 223; 58 Am. St. Rep. 673) 764  
 — v. McKeesport (166 Pa. 57; 30 Atl. 1023) 1605, 1627, 1630, 2934  
 — v. O'Brien (164 N. Y. 205; 58 N. E. 106, rev'g 47 App. Div. 581; 62 N. Y. Supp. 685) 671, 673, 1239, 2777  
 — v. Orange County (159 N. Y. 212; 53 N. E. 1121; 45 L. R. A. 556; 70 Am. St. Rep. 538) 228, 2314, 2777, 2779, 2780  
 — v. Peoria (215 Ill. 515; 74 N. E. 797) 925, 2580  
 — v. Seabury (8 Johns. [N. Y.] 418) 1077  
 — v. Shipman (5 Ill. 190) 144, 177

## TABLE OF CASES CITED

[References are to pages]

- Bush v. Whitney (1 Chip. [Vt.] 369) 1594, 1597  
 Bushel v. Insurance Co. (15 Serg. & Rawle [Pa.] 176) 90  
 Bushnell v. Beloit (10 Wis. 195) 346, 1331  
 — v. Robeson (62 Iowa, 540; 17 N. W. 888) 1037  
 Bushwick Ave., Matter of (48 Barb. [N. Y.] 9) 1819  
 Buskirk v. Strickland (47 Mich. 389; 11 N. W. 210) 773  
 Bussier v. Pray (7 Serg. & Rawle [Pa.] 447) 739, 741  
 Buswell v. Southern Pacific Co. (114 Cal. 445; 46 Pac. 291) 1958  
 Butcher v. Camden (29 N. J. Eq. 478) 651, 734  
 Butchers' Benef. Assoc. (35 Pa. St. 151; 38 Pa. St. 298) 796, 797  
 Butchers' Co. v. Bullock (3 B. & Pul. 434) 954, 955, 983  
 — v. Mercy (1 H. Bl. 370) 963  
 Butchers' Union Co. v. Crescent City, &c. Co. (111 U. S. 746) 205, 554, 1049  
 Butler v. Andrus (35 Mont. 575; 90 Pac. 785) 342, 437  
 — v. Bangor (67 Me. 388) 2977, 3023  
 — v. Bray Com'rs (L. R. 11 Ir. C. L. R. 181) 3021  
 — v. Chambers (36 Minn. 69; 30 N. W. 308; 1 Am. St. Rep. 638) 1007  
 — v. Charlestown (7 Gray [Mass.] 12) 456, 1170, 1176, 1244, 1246  
 — v. Chicago (56 Ill. 341) 2607, 2609  
 — v. Detroit (43 Mich. 552; 5 N. W. 1078) 2765, 2775  
 — v. Dunham (27 Ill. 474) 569, 1360, 1439, 1536  
 — v. Grand Rapids, & I. R. Co. (85 Mich. 246; 48 N. W. 569; 24 Am. St. Rep. 84) 486  
 — v. Haines (79 Ind. 575) 777  
 — v. Hunter (7 H. & N. 826) 3027  
 — v. Keyport (64 N. J. L. 181; 44 Atl. 849) 2506  
 — v. Lewiston (11 Idaho, 393; 83 Pac. 234) 419, 423, 427  
 — v. Milwaukee (15 Wis. 493) 564, 1247  
 — v. Moberly (131 Mo. App. 172; 110 S. W. 682) 2845, 2883  
 — v. Montclair (67 N. J. L. 426; 51 Atl. 494) 446, 2537, 2616  
 — v. Muscatine (11 Iowa, 433) 2429  
 — v. Neosho Co. (15 Kan. 178) 740, 2824  
 — v. Nevin (88 Ill. 575) 450, 1169, 2451, 2477, 2479  
 Butler v. Oxford (69 Miss. 618; 13 So. 626) 3020  
 — v. Palmer (1 Hill, 324) 192  
 — v. Passaic (44 N. J. L. 71) 896  
 — v. Pennsylvania (10 How. [U. S.] 402) 728  
 — v. Ravine R. Sewer Com'rs (39 N. J. L. 665) 1655  
 — v. Robinson (75 Mo. 192) 979  
 — v. Saginaw County (26 Mich. 22) 2553  
 — v. Thomasville (74 Ga. 570) 1621, 1645, 2747  
 — v. Toledo (5 Ohio St. 225) 2637, 2638  
 — v. United States (21 Wall. [U. S.] 272) 680  
 — v. Walker (98 Ala. 358; 13 So. 261; 39 Am. St. Rep. 61) 590, 592, 721, 843  
 — v. White Plains (59 N. Y. App. Div. 30; 69 N. Y. Supp. 193) 3037  
 — v. Worcester (112 Mass. 541) 2537  
 Butler's Appeal (73 Pa. St. 448) 2396  
 Butler Street (25 Pa. Super. Ct. 357) 1840  
 Butman v. Fowler (17 Ohio, 101) 1803  
 — v. Newton (179 Mass. 1; 60 N. E. 401; 88 Am. St. Rep. 349) 2882, 2977  
 Butolph v. Blust (5 Lansing [N. Y.] 84) 982  
 Butt v. Imperial Gas Co. (L. R. 2 Ch. App. 158) 1883, 1884  
 Butte v. Paltrovich (30 Mont. 18; 75 Pac. 521; 104 Am. St. Rep. 698) 997, 1003  
 — v. School Dist. No. 1 (29 Mont. 336; 74 Pac. 869) 2584  
 Butterfield v. Boston (148 Mass. 544; 20 N. E. 113; 2 L. R. A. 447) 773  
 — v. Forrester (11 East, 60) 2971  
 Butternut v. O'Malley (50 Wis. 333; 7 N. W. 248) 1238, 1243  
 Butterworth v. Bartlett (50 Ind. 537) 1841  
 — v. United States (112 U. S. 50) 2645, 2646  
 Button v. Gast ([Ky.], 73 S. W. 1014) 2456  
 — v. Kremer (114 Ky. 463; 71 S. W. 332) 2398, 2399  
 Buttrick v. Lowell (1 Allen [Mass.] 172; 79 Am. Dec. 721) 183, 556, 674, 1192, 1244, 2850, 2880, 2884, 2906  
 Butts v. Monona County (100 Iowa, 74; 69 N. W. 284) 2368  
 — v. Wood (37 N. Y. 317) 1141



## TABLE OF CASES CITED

59

[References are to pages]

- Butts County v. Jackson Banking Co.** (129 Ga. 801; 60 S. E. 149; 15 L. R. A. N. S. 567) 1308, 1309, 2811  
**Butz v. Cavanagh** (137 Mo. 503; 38 S. W. 1104; 59 Am. St. Rep. 504) 2840, 2842  
**— v. Muscatine** (8 Wall. [U. S.] 575) 132, 193, 548, 582, 597, 1403, 1404, 1406, 1408, 1413, 1545, 2403, 2456, 2674, 2692, 2705  
**Byars v. Mt. Vernon** (77 Ill. 467) 947  
**Bybee v. Smith** ([Ky.], 61 S. W. 15) 837  
**— v. State** (94 Ind. 443; 48 Am. Rep. 175) 1868  
**Bye v. Atlantic City** (73 N. J. L. 402; 64 Atl. 1056) 1208  
**Byerly v. Anamosa** (79 Iowa, 204; 44 N. W. 359) 1731, 2969, 2975  
**Byers v. Commonwealth** (42 Pa. St. 89) 978, 1099, 1125, 1126, 1128  
**— v. Manley Mfg. Co.** ([Tenn. Ch. App.], 46 S. W. 547) 1158  
**— v. Olney** (16 Ill. 35) 1012, 1014  
**Byington v. Merrill** (112 Wis. 211; 88 N. W. 26) 3020  
**Byles v. Golden** (52 Mich. 612; 18 N. W. 383) 2654  
**Byram v. Detroit** (50 Mich. 56; 12 N. W. 912; 14 N. W. 698) 2602, 2786, 2790  
**Byrd, Ex parte** (84 Ala. 17; 4 So. 397; 5 Am. St. Rep. 328) 554, 1003, 1072, 1077  
**Byrne v. Chicago Gen. Elect. Co.** (169 Ill. 75; 48 N. E. 703) 1957  
**— v. Drain** (127 Cal. 663; 60 Pac. 433) 116, 1621, 1804  
**— v. Farmington** (64 Conn. 367; 30 Atl. 138) 2919, 3038  
**— v. State** (50 Miss. 688) 678  
**— v. Syracuse** (79 Hun [N. Y.] 555; 29 N. Y. Supp. 912) 3034  
**Byrnes v. Cohoes** (67 N. Y. 204) 3044, 3045  
  
**Cabin Creek Board of Education v. Old Dominion I. M. & M. Co.** (18 W. Va. 441) 2479  
**Cable v. United States L. Ins. Co.** (191 U. S. 288) 2353, 2358  
**Cable Co. case** (104 N. Y. 38; 10 N. E. 332) 1647  
**Cabot v. Britt** (36 Vt. 349) 881  
**— v. Kingman** (166 Mass. 403; 44 N. E. 344; 33 L. R. A. 45) 3022  
**— v. Rome** (28 Ga. 50) 1139  
**Cadillac v. Woonsocket Sav. Inst.** (58 Fed. Rep. 935) 390, 395, 1238, 1356, 1379, 1461, 1466, 1503, 1505, 1506  
**Cadmus v. Fagan** (47 N. J. L. 549; 4 Atl. 323) 2486  
**— v. Farr** (47 N. J. L. 208) 846  
**Cady v. Conger** (19 N. Y. 256) 1790  
**— v. Fitzsimmons** (50 Conn. 209) 1899  
**— v. Watertown** (18 Wis. 322) 1173  
**Caffrey v. Caffrey** (28 Pa. Super. Ct. 22) 2668  
**Cagwin v. Hancock** (84 N. Y. 532; rev'g 22 Hun [N. Y.] 201) 1429, 1538, 1539  
**Cahaba T. Council v. Burnett** (34 Ala. 400) 2828, 2832, 2835  
**Cahill v. Baltimore** (93 Md. 233; 48 Atl. 705) 3043  
**— v. Hogan** (44 N. Y. Misc. 360; 89 N. Y. Supp. 1022, aff'd 99 N. Y. App. Div. 619; 90 N. Y. Supp. 1091) 419, 436  
**— v. Insurance Company** (2 Doug. [Mich.] 124) 442  
**— v. Rochester** (183 N. Y. 581; 76 N. E. 1090) 3014  
**— v. Rochester** (96 N. Y. App. Div. 557; 86 N. Y. Supp. 67) 3014  
**Cahn v. Metz** (115 N. Y. App. Div. 516; 101 N. Y. Supp. 392) 1199  
**Cain v. Brown** (111 Mich. 657; 70 N. W. 337) 590, 592  
**— v. Chicago, R. I. & P. R. Co.** (54 Iowa, 255; 6 N. W. 268) 1990  
**— v. Davie County** (86 N. Car. 8) 2503, 2576  
**— v. Omaha** (42 Neb. 120; 60 N. W. 368) 2530, 2566  
**— v. Smith** (117 Ga. 902; 44 S. E. 5) 429  
**— v. Syracuse** (95 N. Y. 83) 1043, 2841, 2842, 2988  
**— v. Wyoming** (104 Ill. App. 538) 361, 1558, 2132, 2294  
**Cairncross v. Pewaukee** (78 Wis. 66; 47 N. W. 13) 2983  
**Cairo v. Adams Exp. Co.** (54 Ill. App. 87) 933  
**— v. Allen** (3 Ill. App. 398) 1586, 1588  
**— v. Bross** (101 Ill. 475) 107, 1010  
**— v. Campbell** (116 Ill. 305; 5 N. E. 114; 8 N. E. 688) 2398, 2648  
**— v. Coleman** (53 Ill. App. 680) 1004, 1081  
**— v. Everett** (107 Ill. 75) 2679  
**— v. Feuchter** (159 Ill. 155; 42 N. E. 308) 930, 1017  
**— v. Zane** (149 U. S. 122) 1398, 1461, 1482, 1483, 1485, 1520, 1521  
**Cairo & F. R. Co. v. Trout** (32 Ark. 17) 1649, 1668  
**— v. Turner** (31 Ark. 495; 25 Am. Rep. 564) 1659

## TABLE OF CASES CITED

[References are to pages]

- Cairo & St. L. R. R. Co. v. Sparta* (77 Ill. 505) 199, 585, 1525  
*Cairo & V. R. Co. v. People* (92 Ill. 777) 1771, 2010, 2077  
 — *v. Stevens* (73 Ind. 278; 38 Am. Rep. 139) 3039  
*Calais v. Dyer* (7 Me. 155) 1834  
*Calaveras County v. Brockway* (30 Cal. 325) 2649  
*Calder v. Kurby* (5 Gray [Mass.] 597) 1016  
 — *v. Smalley* (66 Iowa, 219; 23 N. W. 638; 55 Am. Rep. 270) 3029  
 — *v. Walla Walla* (6 Wash. 377; 33 Pac. 1054) 2966  
*Calder & Hebble Nav. Co. v. Pilling* (14 M. & W. 76) 1011  
*Caldwell v. Alton* (33 Ill. 416; 85 Am. Dec. 282) 451, 1073, 1074, 1077  
 — *v. Boone* (51 Iowa, 687; 2 N. W. 614) 2884, 2885, 2886  
 — *v. Burke Co. Jus.* (4 Jones Eq. [N. Car.] 323) 26, 27, 570, 582, 2396  
 — *v. Carthage* (49 Ohio St. 334; 31 N. E. 602) 2369  
 — *v. Galt* (27 Ont. App. 162) 1716  
 — *v. Harrison* (11 Ala. 755) 849  
 — *v. Lincoln* (19 Neb. 569; 27 N. W. 647) 2464  
 — *v. Nashua* (122 Iowa, 179; 97 N. W. 1000) 2927  
 — *v. North Carolina* (187 U. S. 622, rev'g 127 N. Car. 521; 37 S. E. 138) 2326, 2329  
 — *v. Prunelle* (57 Kan. 511; 46 Pac. 949) 2840, 2884  
 — *v. Rupert* (73 Ky. 179) 1251, 2398, 2494  
*Caldwell County v. Harbert* (68 Tex. 321; 4 S. W. 607) 1888  
*Caledonian Ry. Co. v. Ogilvie* (2 Macq. 229) 2934  
*Calhoun v. Colfax* (105 La. 416; 29 So. 887) 1717  
 — *v. Delhi & Middletown R. Co.* (28 Hun [N. Y.] 379) 1540  
 — *v. Fletcher* (63 Ala. 574) 926  
 — *v. Little* (106 Ga. 336; 32 S. E. 86; 43 L. R. A. 630; 71 Am. St. Rep. 254) 962  
 — *v. Millard* (16 N. Y. State Rep. 46, aff'd 121 N. Y. 69; 24 N. E. 27) 2778, 2780  
*Calhoun County v. American Emigrant Co.* (93 U. S. 124) 1561  
 — *v. Galbraith* (99 U. S. 214) 1350, 1420, 1461, 1517  
*California v. Bunceton Tel. Co.* (112 Mo. App. 722; 87 S. W. 604) 2146  
*California v. Central Pac. R. Co.* (127 U. S. 1) 1905, 2357, 2418  
*California Academy of Science v. San Francisco* (107 Cal. 334; 40 Pac. 426) 1756  
*California City v. Howard* (78 Mo. 88) 1689, 1722, 1793  
*California Imp. Co. v. Moran* (128 Cal. 373; 60 Pac. 969) 879, 880  
 — *v. Reynolds* (123 Cal. 88; 55 Pac. 802) 1213, 1236  
*California Nav. & Imp. Co. v. Union Transp. Co.* (126 Cal. 433; 58 Pac. 936; 46 L. R. A. 825) 478, 1702, 1705, 1757  
*California Reduction Co. v. Sanitary Red. Works* (199 U. S. 306, aff'g 126 Fed. Rep. 299; 94 Fed. Rep. 693) 560, 1005, 1023, 1025, 1026  
*Calking v. Baldwin* (4 Wend. [N. Y.] 667; 21 Am. Dec. 168) 1659, 1662  
*Calkins v. Hartford* (33 Conn. 57; 87 Am. Dec. 194) 2978  
 — *v. Springfield* (167 Mass. 68; 44 N. E. 1055) 2999  
*Call v. Chadbourne* (46 Maine, 206) 127  
*Callaghan v. Alexandria* (52 La. An. 1013; 27 So. 540) 426, 427  
 — *v. Irvin* (40 Tex. Civ. App. 453; 90 S. W. 335) 687  
 — *v. McGown* ([Tex. Civ. App.], 90 S. W. 319) 687, 2669  
 — *v. Tobin* (40 Tex. Civ. App. 441; 90 S. W. 328) 166, 687  
*Callahan v. Boston* (175 Mass. 201; 55 N. E. 892) 1273  
 — *v. Des Moines* (63 Iowa, 705; 17 N. W. 470) 3039  
 — *v. New York* (66 N. Y. 656) 1117  
*Callam v. Saginaw* (50 Mich. 7; 14 N. W. 677) 221, 553, 1561  
*Callan v. Wilson* (127 U. S. 540) 1127, 1128, 1133, 1668  
*Callanan v. Gilman* (107 N. Y. 360; 14 N. E. 264; 1 Am. St. Rep. 831) 1861, 1862  
 — *v. Madison County* (45 Iowa, 561) 2835  
*Callaway v. Milledgeville* (48 Ga. 309) 2827  
*Callaway County v. Foster* (93 U. S. 567) 1420, 1517  
 — *v. Nolley* (31 Mo. 393) 1899  
*Callen v. Columbus Edison Elect. L. Co.* (66 Ohio St. 166; 64 N. E. 141; 58 L. R. A. 782) 1689, 1846, 1914  
 — *v. Junction City* (41 Kan. 466; 21 Pac. 647) 616  
 — *v. Junction City* (43 Kan. 627; 23 Pac. 652) 108, 307, 615, 616



[References are to pages]

- Callender v. Marsh** (1 Pick. [Mass.] 418) 1817, 1821, 2918, 2922, 2926, 2927, 2928, 2934, 2936, 2938
- Callery v. New Orleans Water Works Co.** (35 La. An. 798) 2211
- Callghan v. Hallett** (1 Caines [N. Y.] 104; s. c. Col. & C. Cas. 179) 741
- Callison v. Hedrick** (15 Gratt. [Va.] 244) 678
- Callister v. Kochersperger** (168 Ill. 334; 48 N. E. 156) 2629
- Callon v. Jacksonville** (147 Ill. 113; 35 N. E. 223) 1816
- Call Pub. Co. v. Lincoln** (29 Neb. 149; 45 N. W. 245) 1150
- Calumet & C. C. & Dock Co. v. Morawetz** (195 Ill. 398; 63 N. E. 165) 2018
- Calvert County v. Gibson** (36 Md. 229) 770, 2852, 2994
- Calvo v. Westcott** (55 N. J. L. 78; 25 Atl. 269) 259, 278, 282, 283, 321
- Calwell v. Boone** (51 Iowa, 687; 2 N. W. 614) 675
- Cambria Iron Co. v. Union Trust Co.** (154 Ind. 291; 55 N. E. 745; 56 N. E. 665; 48 L. R. A. 41) 2079, 2080
- Cambridge v. Cambridge Water Co.** (99 Md. 501; 58 Atl. 442) 2062
- **v. Charlestown R. Co.** (7 Met. [Mass.] 70) 2801, 2803
- **v. Cook** (97 Iowa, 599; 66 N. W. 884) 1705, 1736
- **v. Middlesex County** (125 Mass. 519) 2922
- **v. Trelegan** (181 Mass. 565; 64 N. E. 204) 1048
- Cambridge University v. Crofts** (10 Mod. 208) 610
- Camden v. Allen** (26 N. J. L. 398) 1364, 2478, 2479, 2483, 2484
- **v. Block** (65 Ala. 236) 1135
- **v. Camden** (77 Me. 530; 1 Atl. 689) 1595, 2431, 2444
- **v. Greenwald** (65 N. J. L. 458; 47 Atl. 458) 683, 684
- **v. Mulford** (26 N. J. L. 49) 1655, 2596, 2793, 2796
- **v. Ward** (67 N. J. L. 558; 52 Atl. 392) 1198, 1199
- Camden County v. Collins** (60 N. J. L. 367; 37 Atl. 623) 1580
- **v. Washington Township** (60 N. J. L. 367; 37 Atl. 623) 2432, 2433
- Camden Interstate R. Co. v. Catlettsburg** (129 Fed. Rep. 421) 991
- Camden Iron Works v. Camden** (60 N. J. Eq. 211; 47 Atl. 220; s. c. 64 N. J. Eq. 723; 52 Atl. 477) 1274, 1275
- Cameron, In re** (50 N. Y. 502) 1259
- (13 Upper Can. Q. B. 190) 903
- Cameron v. Parker** (2 Okla. 277; 38 Pac. 14) 784, 815, 2673
- **v. Stephenson** (69 Mo. 372) 2317
- Cameron and East Nissouri, In re** (13 Upper Can. Q. B. 190) 905
- Camp v. Knox County** (3 Lea [Tenn.] 199) 1318
- **v. Neuscheler** (67 N. J. L. 21; 50 Atl. 597) 2635
- Campau v. Detroit** (14 Mich. 276) 1655, 1668, 1670
- **v. Detroit** (104 Mich. 560; 62 N. W. 718) 1712
- **v. Detroit** (106 Mich. 414; 64 N. W. 336) 1236
- Campbell, In re** (74 Cal. 20; 15 Pac. 318; 5 Am. St. Rep. 418) 971, 1131
- Mary K. Campbell, The** (24 Blatchf. C. C. 475; 31 Fed. Rep. 840) 504
- Campbell v. Boston** (189 Mass. 7; 75 N. E. 96) 2972, 2985, 2986, 3000
- **v. Chicago** (100 Ill. App. 358) 2971
- **v. Cincinnati** (49 Ohio St. 463; 31 N. E. 606) 893, 904, 906, 907, 908
- **v. Dist. of Columbia** (19 App. D. C. 131) 1029, 1030
- **v. Dist. of Columbia** (117 U. S. 615) 1230
- **v. Elma** (13 Upper Can. C. P. 296) 1155
- **v. Fair Haven** (54 Vt. 336) 3015
- **v. Indianapolis** (155 Ind. 186; 57 N. E. 920) 286, 287, 299, 347
- **v. Kansas City** (102 Mo. 326; 13 S. W. 897; 10 L. R. A. 593) 1032, 1687, 1724, 1755, 1763
- **v. Kenosha** (5 Wall. [U. S.] 194) 136, 194, 1195, 1405, 1463, 1524
- **v. Laclede Gasl. Co.** (84 Mo. 352) 1702
- **v. Metropolitan St. R. Co.** (82 Ga. 320; 9 S. E. 1078) 2002
- **v. Montgomery** (53 Ala. 527; 25 Am. Rep. 656) 2839, 2842, 2850, 2857, 2872, 2881, 2885, 2959, 2992, 2993
- **v. Newark Police Com'rs** (71 N. J. Law, 98; 58 Atl. 84) 800
- **v. New Orleans** (2 La. An. 34) 2833
- **v. Park** (32 Ohio St. 544) 2596
- **v. Philadelphia** (108 Pa. 300) 2928
- **v. Polk County** (3 Iowa, 467) 1291, 1292, 1301, 1305, 2652
- **v. Polk County** (49 Mo. 214) 1305, 1306
- **v. Polk County** (76 Mo. 57) 1305
- **v. Race** (7 Cush. [Mass.] 408; 54 Am. Dec. 728) 2973, 2974

[References are to pages]

Campbell v. Southern Bitulithic Co. ([Ky.], 106 S. W. 1189)	1208	Cannon v. Janvier (3 Houst. [Del.] 27)	2708
— v. Stanberry (85 Mo. App. 159)	2963	— v. New Orleans (20 Wall. [U. S.] 577)	476, 513
— v. Stillwater (32 Minn. 308; 20 N. W. 320; 50 Am. Rep. 567)	3034	— v. St. Joseph (67 Mo. App. 367)	3043
— v. Vanceburg ([Ky.], 101 S. W. 343)	3040	Canosia v. Grand Lake Tp. (80 Minn. 357; 83 N. W. 346)	627
— v. Wright (108 Pa. 300)	2924	Canova v. Baker Co. Com'rs (18 Fla. 512)	601
Campbell County Ct. v. Newport (12 B. Mon. [Ky.] 538)	1716, 1753, 1762	— v. Williams (41 Fla. 509; 27 So. 30)	986
Campbell's Appeal (132 Pa. 257; 19 Atl. 219)	287	Canter v. St. Joseph (126 Mo. App. 629; 105 S. W. 1)	2820
Campbell School Dist. No. 4 v. Baier (98 Wis. 22; 73 N. W. 448)	865	Canterbury v. Boston (141 Mass. 215; 4 N. E. 808)	2819, 2821
Campbellsville Lumber Co. v. Hubbert (112 Fed. Rep. 718)	2367	Canton v. Canton Cotton Warehouse Co. (84 Miss. 268; 36 So. 266; 65 L. R. A. 561; 105 Am. St. Rep. 528)	1768, 1916, 1932
Canaan v. Derush (47 N. H. 211)	1184	— v. Dawson (71 Mo. App. 235)	1112
— v. Hanover (49 N. H. 415)	765	— v. Dewey (71 Ill. App. 346)	2965
Canada Co. v. Oxford (9 Upper Can. Q. B. 567)	905	— v. Ligon (71 Mo. App. 407)	977, 988
Canadian Pac. R. Co. v. Chatham (25 Ont. Rep. 465; 22 Ont. App. 330)	1156	— v. Nist (9 Ohio St. 439)	944
Canal & C. R. Co. v. Orleans R. Co. (44 La. An. 54; 10 So. 389)	1956	Canton Co. v. Baltimore (106 Md. 69; 66 Atl. 679; s. c. 67 Atl. 274)	1717, 1742
Canal & Water Sts., <i>In re</i> (12 N. Y. 406)	1136	Cantril v. Sainer (59 Iowa, 26; 12 N. W. 753)	910, 1001
Canal Bank v. Supervisors, &c. (5 Denio [N. Y.] 517)	524, 544	Cape Girardeau v. Fougeu (30 Mo. App. 551)	894, 896, 897, 900, 910
Canal Com'rs v. East Peoria (179 Ill. 214; 53 N. E. 633)	1816	— v. Houck (129 Mo. 607; 31 S. W. 933)	1641
Canal Co. v. Railroad Co. (4 Gill & Johns. [Md.] 1)	447, 589	— v. Riley (52 Mo. 424; 14 Am. Rep. 427)	905, 925, 926
Canal Fund Commissioners v. Perry (5 Ohio, 57)	762	Cape Girardeau County Ct. v. Hill (118 U. S. 68)	193, 2317, 2407
Canal Street, <i>In re</i> (11 Wend. [N. Y.] 155)	1651, 1653, 2517	Cape May v. Cape May, D. B. & S. P. R. Co. (60 N. J. L. 224; 37 Atl. 892; 39 L. R. A. 609)	925, 1990
Canal Trs. v. Haven (11 Ill. 554)	1688	— v. Cape May Transportation Co. (64 N. J. L. 80; 44 Atl. 948)	2462
Canandaigua v. Foster (156 N. Y. 354; 50 N. E. 971; 41 L. R. A. 554; 66 Am. St. Rep. 575)	1874, 1875	Cape May & S. L. R. Co. v. Cape May (35 N. J. Eq. 419)	916, 917, 920, 991, 2754
— v. Hayes (90 N. Y. App. Div. 336; 85 N. Y. Supp. 488)	1362, 1381, 1383, 1385	Cape May, D. B. & S. P. R. Co. v. Cape May (1st CASE, 59 N. J. L. 393; 36 Atl. 679; 36 L. R. A. 656)	1091
Canastota Knife Co. v. Newington Tramway Co. (69 Conn. 146; 36 Atl. 1107)	1990, 1992, 2006, 2010	— v. Cape May (2ND CASE, 59 N. J. L. 396; 36 Atl. 696; 36 L. R. A. 653)	1092
Canavan v. Oil City (183 Pa. St. 611; 38 Atl. 1096)	2976	— v. Cape May (3RD CASE, 59 N. J. L. 404; 36 Atl. 678; 36 L. R. A. 657)	924, 928, 929, 1092
Canfield v. Davies (61 N. J. L. 26; 39 Atl. 357)	328	Capen v. Foster (12 Pick. [Mass.] 485; 23 Am. Dec. 632)	774
— v. East Stroudsburg (19 Pa. Super. Ct. 649)	3019	Capital Bank v. School Dist. (1 N. Dak. 479; 48 N. W. 363)	1296
— v. Jackson (112 Mich. 120; 70 N. W. 444)	2817	Capital City Brick & Pipe Co. v. Des Moines (136 Iowa, 243; 113 N. W. 835)	1229
— v. Newport ([Ky.], 73 S. W. 788)	3019		
Cannelton v. Bush ([Ind. App.], 91 N. E. 359)	3056		
Canning v. Williamstown (1 Cush. [Mass.] 451)	3005		

## TABLE OF CASES CITED

63

[References are to pages]

Capital City Dairy Co. v. Ohio (183 U. S. 238)	1007	Carling v. Jersey City (71 N. J. L. 154; 58 Atl. 395)	459
Capital City Gas Co. v. Des Moines (72 Fed. Rep. 818)	2226, 2257, 2261	Carlville v. Castle (177 Ill. 105; 52 N. E. 383; 69 Am. St. Rep. 212)	1893
Capital City G. L. Co. v. Des Moines (72 Fed. Rep. 829)	2211, 2248	Carlisle v. Blamire et al. (8 East, 487)	609
Capital City Gaslight Co. v. Des Moines (93 Iowa, 547; 61 N. W. 1066)	2298	— v. Brisbane (113 Pa. St. 544; 6 Atl. 372; 57 Am. Rep. 483)	2965, 3003, 3012
Capital City Water Co. v. Mont- gomery County Revenue Board (117 Ala. 303; 23 So. 970)	2469, 2473	— v. Cincinnati (29 Ohio Cir. Ct. R. 81)	2606
Capital Gas & Elect. L. Co. v. Gaines ([Ky.], 49 S. W. 462)	2217	— v. Heckinger (103 Ky. 381; 45 S. W. 358)	973
Capital Gas Co. v. Young (109 Cal. 140; 41 Pac. 869; 29 L. R. A. 463)	1144	— v. Secrest ([Ky.], 75 S. W. 268)	2969
Capitol City Light & Fuel Co. v. Tallahassee (186 U. S. 401; s. c. 42 Fla. 462; 28 So. 810)	2142, 2159	— v. Wilson (110 Ga. 860; 36 S. E. 54)	1795
Capron v. Hitchcock (98 Cal. 427; 33 Pac. 431)	1144, 1145	Carlisle Gas & Water Co. v. Car- lisle (218 Pa. 554; 67 Atl. 844)	1582, 1584, 2129
Carberry v. Sharon (166 Mass. 32; 43 N. E. 912)	2819, 2921	— v. Carlisle Water Co. (188 Pa. 51; 41 Atl. 321)	2170
Carbondale v. Wade (106 Ill. App. 654)	462, 1016	Carll v. Northport (11 N. Y. App. Div. 120; 42 N. Y. Supp. 576)	3043
Card v. Ellsworth (65 Me. 547; 20 Am. Rep. 722)	2970, 2978	Carlson v. People (118 Ill. App. 592)	2664
Carder v. Fayette Co. Com'rs (16 Ohio, 353)	610	Carlton v. Salem (103 Mass. 141)	2759, 2774
Cardigan v. Page (6 N. H. 182)	830	Carlton St., Matter of (16 Hun [N. Y.] 497)	872
Carey v. Kansas City (187 Mo. 715; 86 S. W. 438; 70 L. R. A. 65)	2892	Carlyle v. Carlyle, &c. Water Co. (140 Ill. 445; 29 N. E. 556)	361
— v. Plainfield (53 N. J. Law, 311; 21 Atl. 492)	804	— v. Clinton Co. (140 Ill. 512; 30 N. E. 782)	897, 2608
Carey Salt Co. v. Hutchinson (72 Kan. 99; 82 Pac. 721)	1820, 2709	Carlyle Water, L. & P. Co. v. Carlyle (31 Ill. App. 325)	2294, 2299
Carle v. De Soto (63 Mo. App. 161)	775	Carman v. Steubenville & Ind. R. Co. (4 Ohio St. 399)	3026, 3028
Carleton v. Bath (22 N. H. 559)	76	— v. Woodruff (10 Oreg. 133, 135)	2764
— v. Caribou (88 Me. 461; 34 Atl. 269)	2956	Carmichael v. Texarkana (94 Fed. Rep. 561)	3037
— v. Franconia Iron & S. Co. (99 Mass. 216)	2904	Carney v. Chillicothe Water & Light Co. (76 Mo. App. 532)	2217, 2234
— v. People (10 Mich. 250)	843	— v. People (210 Ill. 434; 71 N. E. 365)	2359, 2363, 2366
— v. Washington (38 Kan. 726; 17 Pac. 656)	560, 896	Caro v. Metropolitan R. Co. (46 N. Y. Super. Ct. 138)	2047
Carlettsburg v. Self (115 Ky. 669; 74 S. W. 1064)	368	Carolina, C. & O. R. Co. v. Scott County (109 Va. 34; 63 S. E. 412)	2657
Carli v. Rhener (27 Minn. 292; 7 N. W. 139)	1369	Carolina Grocery Co. v. Burnet (61 So. Car. 205; 39 S. E. 381; 58 L. R. A. 687)	334
— v. Stillwater St. R. & T. Co. (28 Minn. 373; 10 N. W. 205; 41 Am. Rep. 290)	1767, 2011	Carondelet v. McPherson (20 Mo. 192)	1760
— v. Union Depot S. R. & T. Co. (32 Minn. 101; 20 N. W. 89)	2011, 2013	— v. Picot (38 Mo. 125)	2479, 2484
Carlill v. Carbolic Smoke Ball Co. ([1892], 2 Q. B. 484)	552	Carondelet Canal & Nav. Co. v. New Orleans (38 La. An. 308)	1815
Carlin v. Cavender (56 Mo. 286)	2595		

[References are to pages]

- Carpenter v. Bristol County* (21 Pick. [Mass.] 258) 2707
- *v. Capital Electric Co.* (178 Ill. 29; 52 N. E. 973; 43 L. R. A. 645; 69 Am. St. Rep. 286) 1912, 1913
- *v. Central Covington* (119 Ky. 785; 81 S. W. 919) 629
- *v. Cohoes* (21 Alb. L. J. 374; 81 N. Y. 21; 37 Am. Rep. 468) 2950, 2952, 2964, 2976
- *v. Ely* (4 Wis. 420) 2666
- *v. Jennings* (77 Ill. 250) 1666, 1679
- *v. Lathrop* (51 Mo. 483) 1420, 1534
- *v. Nashua* (58 N. H. 37) 2861
- *v. New York* (51 App. Div. 584; 64 N. Y. Supp. 839) 1660
- *v. Oswego & S. R. Co.* (24 N. Y. 655) 1795, 2011, 2023
- *v. People* (8 Colo. 116) 306
- *v. Rolling* (107 Wis. 559; 83 N. W. 953) 2817
- *v. Yeadon* (151 Fed. Rep. 879) 943, 945, 1032
- *v. Yeadon Borough* (208 Pa. 396; 57 Atl. 837) 945, 946
- Carpenteria School Dist. v. Heath* (56 Cal. 478) 1723
- Carpenter's Case* (Raym. 439) 2714
- (2 Pars. [Pa.] 537) 644
- Carr v. Ashland* (62 N. H. 665) 2820
- *v. Augusta* (124 Ga. 116; 52 S. E. 300) 458
- *v. Conyers* (84 Ga. 287; 10 S. E. 630; 20 Am. St. Rep. 357) 961
- *v. Gordon* (82 Fed. Rep. 373) 786
- *v. Moore* (119 Iowa, 152; 93 N. W. 52; 97 Am. St. Rep. 292) 484
- *v. Northern Liberties* (35 Pa. St. 324; 78 Am. Dec. 342) 466, 2839, 2924, 3040, 3047, 3050, 3057
- *v. St. Louis* (9 Mo. 190) 734, 926
- *v. State* (127 Ind. 204; 26 N. E. 778; 11 L. R. A. 370; 22 Am. St. Rep. 624) 1317
- Carrick v. Johnston* (26 Up. Can. Q. B. 65) 2974
- *v. Lamar* (116 U. S. 423) 2659
- Carrier v. Shawangunk* (10 Fed. Rep. 220) 1422
- Carriger v. Morristown* (1 Lea [Tenn.] 116) 2426, 2427
- Carrington v. St. Louis* (89 Mo. 208; 1 S. W. 240; 58 Am. Rep. 108) 2887, 2913
- Carroll v. Alsup* (107 Tenn. 257; 64 S. W. 193) 2366
- *v. Green* (148 Ind. 362; 47 N. E. 223) 639
- *v. Irvington* (50 N. J. L. 361; 12 Atl. 712) 988
- Carroll v. Lynchburg* (84 Va. 803; 6 S. E. 133) 1106
- *v. New York* (29 N. Y. App. Div. 420; 51 N. Y. Supp. 620) 3026
- *v. Perry* (4 McLean [U. S.] 25) 2315
- *v. Philadelphia* (6 Pa. Dist. Rep. 397) 1209
- *v. St. Louis* (12 Mo. 44) 740, 1246
- *v. St. Louis* (4 Mo. App. 191) 2875
- *v. Siebenthaler* (37 Cal. 193) 743, 747
- *v. Tishamingo County Board of Police* (28 Miss. 38) 1297, 2675, 2707, 2852
- *v. Tuscaloosa* (12 Ala. 173) 995, 996, 2472, 2792, 2794
- *v. Tyler* (2 Har. & Gill, 54) 741
- *v. Wall* (35 Kan. 36; 10 Pac. 1) 838
- *v. Wisconsin Cent. R. Co.* (40 Minn. 168; 41 N. W. 661) 1993
- Carroll County v. Graham* (98 Ind. 279) 2828
- *v. Justice* (133 Ind. 89; 30 N. E. 1085) 2604
- *v. Smith* (111 U. S. 556) 576, 654, 659, 660, 661, 1385, 1402, 1435, 1438, 1463, 1470
- *v. United States* (18 Wall. [U. S.] 71) 1295, 1405, 2704, 2705
- Carrollton v. Bazzette* (159 Ill. 284; 42 N. E. 837; 31 L. R. A. 522) 931, 2476
- *v. Clark* (21 Ill. App. 74) 836
- Carrollton Furn. Mfg. Co. v. Carrollton* (104 Ky. 525; 47 S. W. 439) 516
- Carrollton R. R. Co. v. Winthrop* (5 La. An. 36) 501, 510, 1560
- Carron v. Martin* (26 N. J. L. 594; 69 Am. Dec. 584) 450, 1169, 2596, 2598, 2748, 2793, 2796
- Carson v. Brockton Sewerage Com'n* (182 U. S. 398, aff'g 175 Mass. 242; 56 N. E. 1) 2364, 2531
- *v. Central R. Co.* (35 Cal. 325) 2002, 2010
- *v. Forsyth* (94 Ga. 617; 20 S. E. 116) 2470, 2472
- *v. Genesee* (9 Idaho, 244; 74 Pac. 862; 108 Am. St. Rep. 127) 2953
- *v. Hartford* (48 Conn. 68) 1651, 1661
- *v. Hastings* (81 Neb. 681; 116 N. W. 673) 2820
- *v. St. Francis Levee Dist.* (59 Ark. 513; 27 S. W. 590) 63, 131, 132, 334, 2317
- *v. Springfield* (53 Mo. App. 289) 2927, 3045, 3052

## TABLE OF CASES CITED

65

[References are to pages]

- Carson v. Titlow* (38 Wash. 196; 80 Pac. 299) 2487  
 — *v. Western R. Co.* (8 Gray [Mass.] 423) 1059  
*Carstairs v. Cochran* (193 U. S. 10, aff'g 95 Md. 488; 52 Atl. 601) 2410  
*Carstens v. Fond du Lac* (137 Wis. 465; 119 N. W. 117) 2582  
*Carswell v. Wilmington* (2 Marv. [Del.] 360; 43 Atl. 169) 2965, 3004  
*Carter, Matter of* (141 Cal. 316; 74 Pac. 997) 792, 794, 822  
 — *v. Barkley* (137 Iowa, 510; 115 N. W. 21) 1706, 1724  
 — *v. Bridge Proprietors* (104 Mass. 236) 216, 221  
 — *v. Chicago* (57 Ill. 283) 1696, 1785, 2753, 2784  
 — *v. Dow* (16 Wis. 298) 998, 1000, 1100  
 — *v. Dubuque* (35 Iowa, 416) 354  
 — *v. Harrison* (5 Blackf. [Ind.] 138) 774  
 — *v. LaGrange* (60 Tex. 636) 1887  
 — *v. McFarland* (75 Iowa, 196; 39 N. W. 268) 867  
 — *v. Monticello* (68 Iowa, 178; 26 N. W. 129) 3015  
 — *v. Nunda* (55 N. Y. App. Div. 501; 66 N. Y. Supp. 1059) 3002  
 — *v. Portland* (4 Oreg. 339) 1737  
 — *v. Rahway* (55 N. J. L. 177; 26 Atl. 96) 2957  
 — *v. Sonoma County Super. Ct.* (138 Cal. 150; 70 Pac. 1067) 649, 2730  
 — *v. Simpson* (8 B. Mon. [Ky.] 155) 678  
 — *v. Tilghman* (119 Cal. 104; 51 Pac. 34) 1305  
 — *v. Wade* (59 N. J. L. 119; 35 Atl. 649) 2509  
*Carter County v. Schmalstig* (127 Fed. Rep. 126) 2695  
 — *v. Sinton* (120 U. S. 517) 136, 1356, 1396, 2316  
*Cartersville v. Baker* (73 Ga. 686) 552  
 — *v. Lanham* (67 Ga. 753) 959, 1100  
 — *v. Lyon* (69 Ga. 577) 1124  
*Cartersville Imp., Gas & Water Co. v. Cartersville* (89 Ga. 683; 16 S. E. 25) 364, 2174  
*Cartersville Water Co. v. Cartersville* (89 Ga. 689; 16 S. E. 70) 364  
*Carthage v. Carthage Light Co.* (97 Mo. App. 20; 70 S. W. 936) 2140  
 — *v. Central N. Y. Tel & Tel. Co.* (185 N. Y. 448; 78 N. E. 165; 113 Am. St. Rep. 932, rev'g 110 N. Y. App. Div. 625; 96 N. Y. Supp. 919) 1927, 2071  
 — *v. Duvall* (202 Ill. 234; 66 N. E. 1099) 1016  
*Carthage v. First Nat. Bank* (71 Mo. 508; 36 Am. Rep. 494) 2469  
 — *v. Frederick* (122 N. Y. 268; 25 N. E. 480; 10 L. R. A. 178; 19 Am. St. Rep. 490) 902, 925, 943, 2563, 2584  
 — *v. Garner* (209 Mo. 688; 108 S. W. 521) 2060, 2061, 2069  
 — *v. Munsell* (203 Ill. 474; 67 N. E. 831, aff'g 105 Ill. App. 119) 1016, 1045  
 — *v. Rhodes* (101 Mo. 175; 14 S. W. 181; 9 L. R. A. 352) 1101, 1102, 2386  
*Carthan v. Lang* (69 Iowa, 384; 28 N. W. 650) 2629  
*Carton v. Uinta County* (10 Wyo. 416; 69 Pac. 1013) 2825, 2826, 2827, 2828, 2829  
*Cartright v. Belmont* (58 Wis. 370; 17 N. W. 237) 2975  
*Cartwright v. Cohoes* (39 N. Y. App. Div. 69; 56 N. Y. Supp. 731) 904, 1071  
 — *v. Liberty Tel. Co.* (205 Mo. 126; 103 S. W. 982; 12 L. R. A. n. s. 1125) 1931  
*Carty v. Boeseke-Dawe Co.* (2 Cal. App. 684; 84 Pac. 267) 2960  
*Carver v. Dawson* (99 Ga. 7; 25 S. E. 832) 431, 657  
 — *v. Jackson* (82 Miss. 583; 35 So. 157) 3018  
*Carvin v. St. Louis* (151 Mo. 334; 52 S. W. 210) 3020  
*Cary v. Chicago* (60 Ill. App. 341) 3026  
 — *v. Ottawa* (8 Fed. Rep. 199) 1420  
 — *v. Pekin* (88 Ill. 454; 30 Am. Rep. 543) 2425  
 — *v. Western Union Telegraph Co.* (47 Hun [N. Y.] 610) 1151  
*Cary Library v. Bliss* (151 Mass. 364; 25 N. E. 92; 7 L. R. A. 765) 1571  
*Cascade County v. Great Falls* (18 Mont. 537; 46 Pac. 437) 1798, 1831, 1832  
*Cascaden v. Waterloo* (106 Iowa, 673; 77 N. W. 333) 898, 900, 2763, 2768  
*Case v. Cayuga County* (88 Hun [N. Y.] 59; 34 N. Y. Supp. 595) 1973  
 — *v. Favier* (12 Minn. 89) 1713  
 — *v. Hall* (21 Ill. 632) 959, 1100  
 — *v. Johnson* (91 Ind. 477) 1142, 1145, 1148, 1150  
 — *v. Mobile* (30 Ala. 538) 440, 979, 980, 982  
 — *v. Sullivan* (222 Ill. 56; 78 N. E. 37) 2706  
 — *v. Waverly* (36 Iowa, 545) 3021  
*Casey v. Burt County* (59 Neb. 624; 81 N. W. 851) 2601



## TABLE OF CASES CITED

[References are to pages]

- Casey v. Chase (64 N. J. Law, 207; 44 Atl. 872) 2669  
 — v. Inloes (1 Gill [Md.] 510; 39 Am. Dec. 658) 485, 1662, 2874  
 — v. Leavenworth (17 Kan. 189) 1248, 1250  
 — v. Malden (163 Mass. 507; 40 N. E. 849; 47 Am. St. Rep. 473) 3001  
 — v. People (165 Ill. 49; 46 N. E. 7) 2611  
 Cash v. Douglasville (94 Ga. 557; 20 S. E. 438) 612, 624  
 Casinello, *Ex parte* (62 Cal. 538) 1039  
 Caskey v. Greensboro (78 Ind. 233) 679  
 — v. La Belle (100 Mo. App. 590; 74 S. W. 113) 3000  
 Cason v. Lebanon (153 Ind. 567; 55 N. E. 768) 362, 1146, 1219, 2628  
 — v. Ottumwa (102 Iowa, 99; 71 N. W. 192) 2842  
 Caspary v. Portland (19 Oreg. 496; 24 Pac. 1036; 20 Am. St. Rep. 842) 2882  
 Cass v. Bellows (31 N. H. 501; 64 Am. Dec. 347) 877  
 — v. Dillon (2 Ohio St. 607) 346, 569, 1517  
 — v. People (166 Ill. 126; 46 N. E. 729) 2454  
 Cass County v. Banks (44 Mich. 467; 7 N. W. 49) 1724, 1736, 1742, 1743  
 — v. Gillett (100 U. S. 585) 1402, 1463, 1514, 1515, 1517  
 — v. Johnston (95 U. S. 360) 654, 657, 658, 661, 1385, 1389, 1405, 1420, 1526  
 — v. Plotner (149 Ind. 116; 48 N. E. 635) 2603  
 — v. Ross (46 Ind. 404) 1244, 1246  
 — v. Wilbarger County (25 Tex. Civ. App. 52; 60 S. W. 988) 1464  
 Cassidy v. Stockbridge (21 Vt. 391) 2961, 2971, 3004  
 Cass Farm Co. v. Detroit (181 U. S. 396, aff'g 124 Mich. 433; 83 N. W. 108) 1212, 1220, 2521, 2523, 2541, 2542, 2629  
 Cassidy v. Sullivan (75 Neb. 847; 106 N. W. 1027) 1724, 1725  
 Cassville v. Jimerson (75 Mo. App. 426) 977  
 Castle v. Anderson (69 Iowa, 428; 29 N. W. 400) 2485  
 — v. Bell Tel. Co. (49 N. Y. App. Div. 437; 63 N. Y. Supp. 482) 1930  
 Castleberry v. Atlanta (74 Ga. 164) 1098, 1821, 2925, 2944  
 Castleton v. Langdon (19 Vt. 210) 1568  
 Castor v. Uxbridge (39 Up. Can. Q. B. 113) 2952, 2959, 2961, 2964, 2971, 2978, 3015, 3020, 3021  
 Caswell v. St. Mary's Pl. R. Co. (28 Up. Can. Q. B. 247) 2961  
 Cate v. Martin (69 N. H. 610; 45 Atl. 644) 649  
 — v. Martin (70 N. H. 135; 46 Atl. 54; 48 L. R. A. 613) 835, 837  
 Cater v. Northwestern Tel. Exch. Co. (60 Minn. 539; 63 N. W. 111; 28 L. R. A. 310; 51 Am. St. Rep. 543) 1930, 1931  
 Cathcart v. Comstock (56 Wis. 590; 14 N. W. 833) 63, 327  
 Cathedral of Long Island, *In re* (91 N. Y. App. Div. 543; 86 N. Y. Supp. 900) 2794  
 Cathers v. Moores (78 Neb. 17; 113 N. W. 119) 2785  
 Catholic Protectory v. Kearney (56 N. J. L. 385; 28 Atl. 1043) 319  
 Catholic Soc. of R. & L. Ed. v. New Orleans (10 La. An. 73) 2833  
 Catlett v. People (151 Ill. 16; 37 N. E. 855) 126, 1893, 1896  
 Catlettsburg v. Self (115 Ky. 669; 74 S. W. 1064) 1250, 2579  
 Catlin v. Hull (21 Vt. 152) 2415  
 — v. Valentine (9 Paige Ch. [N. Y.] 575; 38 Am. Dec. 567) 1790  
 Caton v. Sedalia (62 Mo. App. 227) 3014  
 Cator v. Lewisham (5 B. & S. 115) 3051  
 Catron v. La Fayette County (106 Mo. 659; 17 S. W. 577) 385, 1542  
 — v. Santa Fe County (5 N. Mex. 203; 21 Pac. 60) 2768  
 Cattel v. Ireson (E. B. & E. 91) 1129  
 Catterlin v. Frankfort (79 Ind. 547; 41 Am. Rep. 627) 618, 620, 3032, 3033  
 Cattermole v. Ionia Circuit Judge (136 Mich. 274; 99 N. W. 1) 2652  
 Caulfield v. Jersey City (63 N. J. Law, 148; 43 Atl. 433) 713, 806  
 — v. State (1 S. Car. 461) 677  
 Cavanagh v. Boston (139 Mass. 426; 1 N. E. 834; 52 Am. Rep. 716) 1621, 1645, 2870, 2872  
 — v. Hoboken Police Com'rs (59 N. J. L. 412; 35 Atl. 793) 815  
 Cavanaugh v. Pawtucket (23 R. I. 102; 49 Atl. 494) 2710  
 Cave v. Houston (65 Tex. 619, 622) 2484  
 Cavanaugh v. Essex County (58 N. J. L. 531; 33 Atl. 943) 713  
 Caverly v. Lowell (1 Allen [Mass.] 289) 736  
 Cawein v. Commonwealth (110 Ky. 273; 61 S. W. 275) 1112

# TABLE OF CASES CITED

67

[References are to pages]

<b>Cawker v. Central Bithulithic Pav. Co.</b> (133 Wis. 29; 113 N. W. 419) 2775	<b>Centralia v. Krouse</b> (64 Ill. 19) 3000, 3003, 3014
— <b>v. Milwaukee</b> (133 Wis. 35; 113 N. W. 417) 1206	— <b>v. Scott</b> (59 Ill. 129) 2993
<b>Cawley v. People</b> (95 Ill. 249) 679	— <b>v. Smith</b> (103 Mo. App. 438; 77 S. W. 488) 1865
<b>Cayuga County v. State</b> (153 N. Y. 279; 47 N. E. 288) 226	<b>Central Irr. Dist. v. DeLappe</b> (79 Cal. 351; 21 Pac. 825) 63, 949
<b>Cecil County v. Banks</b> (80 Md. 321; 30 Atl. 919) 2673	<b>Central Land Co. v. Laidley</b> (159 U. S. 103) 1411
<b>Cedar Rapids v. Bechtel</b> (110 Iowa, 196; 81 N. W. 468) 355, 357, 380, 381	— <b>v. Providence</b> (15 R. I. 246; 2 Atl. 553) 1722
<b>Cedar Rapids Gaslight Co. v. Cedar Rapids</b> ([Iowa], 120 N. W. 966) 2254, 2260, 2269, 2271, 2277, 2281, 2284, 2291	<b>Central New Jersey Land &amp; Imp. Co. v. Bayonne</b> (56 N. J. L. 297; 28 Atl. 713) 2538, 2620
<b>Cedar Rapids Water Co. v. Cedar Rapids</b> (117 Iowa, 250; 90 N. W. 746) 1155, 1192, 2156, 2298	<b>Central of Georgia R. Co. v. Alabama Railroad Com'n</b> (161 Fed. Rep. 925) 2259
— <b>v. Cedar Rapids</b> (118 Iowa, 234; 91 N. W. 1081) 1907, 2140, 2200, 2201, 2229, 2250, 2252, 2270, 2275, 2277, 2281, 2287, 2290, 2291	— <b>v. McLendon</b> (157 Fed. Rep. 961) 2257
<b>Cedar Springs v. Schlich</b> (81 Mich. 405; 45 N. W. 994; 8 L. R. A. 851) 1464	— <b>v. Wright</b> (207 U. S. 127, rev'g 124 Ga. 596; 53 S. E. 251; 125 Ga. 589; 54 S. E. 52) 2363
<b>Cedar Tp. Indep. School Dist. v. Wirtner</b> (85 Iowa, 387; 52 N. W. 230) 825	<b>Central Ohio R. Co. v. Bellaire</b> (67 Ohio St. 297; 65 N. E. 1007) 2482
<b>Cemansky v. Fitch</b> (121 Iowa, 186; 96 N. W. 754) 2485	<b>Central Pac. R. Co. v. California</b> (162 U. S. 91) 2333, 2341
<b>Cemetery Assoc. v. Concordia Railroad Co.</b> (121 Ill. 199; 12 N. E. 536) 559	<b>Central Park, In re</b> (50 N. Y. 493) 446
<b>Cemetery Assoc. v. New Haven</b> (43 Conn. 234) 1033	<b>Central Park, Matter of</b> (63 Barb. [N. Y.] 282) 1746
<b>Centerville v. Fidelity Trust &amp; Guaranty Co.</b> (118 Fed. Rep. 332) 362, 376, 2141	<b>Central Park Com'rs, In re</b> (61 Barb. [N. Y.] 40) 1835
— <b>v. Miller</b> (57 Iowa, 56; 10 N. W. 293) 966, 1111	<b>Central Park Extension, In re</b> (16 Abb. Pr. [N. Y.] 56) 1635
<b>Central v. Wilcoxsen</b> (3 Colo. 566) 1291	<b>Central Pass. R. Co. v. Philadelphia, W. &amp; B. R. Co.</b> (95 Md. 428; 52 Atl. 752) 1617, 1980, 1982, 1983
<b>Central Bitulithic Pav. Co. v. Mt. Clemens</b> (143 Mich. 259; 106 N. W. 888) 1184, 2823	<b>Central R. &amp; B. Co. v. Gamble</b> (77 Ga. 584; 3 S. E. 287) 441
<b>Central Branch Union Pac. R. Co. v. Andrews</b> (30 Kan. 590; 2 Pac. 677) 1841	— <b>v. Georgia</b> (92 U. S. 665) 2445
— <b>v. Smith</b> (23 Kan. 745) 578, 1365, 2314	— <b>v. State</b> (54 Ga. 401) 1905
<b>Central Bridge Corp. v. Lowell</b> (15 Gray [Mass.] 106) 833, 1604	— <b>v. Wright</b> (164 U. S. 327) 2445
<b>Central City v. Sears</b> (2 Colo. 588) 732, 733, 897	<b>Central R. &amp; Elect. Co., Appeal of</b> (67 Conn. 197; 35 Atl. 32) 1955
<b>Central Covington v. Park</b> ([Ky.], 56 S. W. 650) 2429	<b>Central R. Co. v. Bayonne</b> (51 N. J. L. 428; 17 Atl. 971) 1617
<b>Central Elect. Co. v. Woodbridge St. Lighting Dist.</b> (71 N. J. L. 403; 58 Atl. 1080) 2297	— <b>v. Bayonne</b> (52 N. J. L. 503; 20 Atl. 69) 895, 1703
<b>Central Hotel Co. v. State</b> ([Tex. Civ. App.], 117 S. W. 880) 2482	— <b>v. Board of Supervisors</b> (67 Iowa, 199; 25 N. W. 128) 331
	— <b>v. Elizabeth</b> (70 N. J. L. 578; 57 Atl. 404) 929, 1092
	— <b>v. Hatfield</b> (29 N. J. L. 206) 2011
	— <b>v. Jersey City</b> (209 U. S. 473, aff'g 72 N. J. L. 311; 61 Atl. 1118) 2409
	— <b>v. Pennsylvania R. Co.</b> (31 N. J. Eq. 475) 1641
	— <b>v. State Board of Assessors</b> (48 N. J. L. 1; 2 Atl. 789) 2467
	<b>Central Trust Co. v. Citizen's St. R. Co.</b> (82 Fed. Rep. 1, aff'g 80 Fed. Rep. 218) 286



[References are to pages]

- Central Trust Co. v. New York City & N. R. Co. (110 N. Y. 250; 18 N. E. 92; 1 L. R. A. 260) 2480
- Centre Hall Water Co. v. Centre Hall Borough (186 Pa. 74; 40 Atl. 153) 2171
- Centre Street, *In re*, Vacation (115 Pa. 247; 8 Atl. 56) 1842, 2497, 2593
- Centreville v. Woods (57 Ind. 192) 2992, 2993, 2998, 3005
- Cereghino v. Oregon S. L. R. Co. (26 Utah, 467; 73 Pac. 634; 99 Am. St. Rep. 843) 1868, 1991
- Cerro Gordo County v. Wright (50 Iowa, 439) 2813
- Chad v. Tilsed (5 J. B. Moore, 185) 456
- Chadbourn v. Newcastle (48 N. H. 196) 2850
- Chaddock v. Day (75 Mich. 527; 42 N. W. 977; 4 L. R. A. 809; 13 Am. St. Rep. 468) 996, 2462
- v. Wilbraham (5 C. B. 645) 976
- Chadron v. Glover (43 Neb. 732; 62 N. W. 62) 2814, 2975
- Chadwell, *Ex parte* (3 Baxt. [Tenn.] 98; 1 Tenn. Ch. 95) 105, 110
- Chadwick v. Kelley (187 U. S. 540) 2523
- v. McCausland (47 Me. 342) 1696
- Chaffee v. Aiken (57 S. Car. 507; 35 S. E. 800) 1735, 1736
- v. Granger (6 Mich. 51) 1139, 2775
- Chaffee County v. Potter (142 U. S. 355) 389, 392, 1238, 1446, 1449, 1451, 1452, 1453, 1457, 1458, 1461, 1472, 1505, 1506
- Chaffee's Appeal (56 Mich. 244; 22 N. W. 871) 1644, 1659
- Chafin v. Waukesha County (62 Wis. 463; 22 N. W. 732) 977
- Chahoon's Case (21 Gratt. [Va.] 822) 1118
- Chalfant v. Edwards (173 Pa. St. 246; 33 Atl. 1048) 277, 278, 329
- Chalk v. Darden (47 Tex. 438) 755
- Chalkley v. Richmond (88 Va. 402; 14 S. E. 339; 29 Am. St. Rep. 730) 3042, 3052, 3054, 3060, 3061
- Challiss v. Atchison, T. & S. F. R. Co. (16 Kan. 117) 1620
- v. Atchison Union D. & R. Co. (45 Kan. 398; 25 Pac. 894) 1846
- Chamberlain v. Burlington (19 Iowa, 395) 530, 582, 1233
- v. Cleveland (34 Ohio St. 551) 2495, 2530
- v. Cranbury Bd. of Education (58 N. J. L. 347; 33 Atl. 923) 1361
- Chamberlain v. Dempsey (22 How. [U. S.] 356) 643
- v. Dover (13 Me. 466; 29 Am. Dec. 517) 831, 833, 877, 878, 882
- v. Elizabethport S. Cordage Co. (41 N. J. Eq. 43; 2 Atl. 775) 1974, 1975, 2011
- v. Enfield (43 N. H. 356) 2978
- v. Evansville (77 Ind. 542) 445, 874, 880, 921
- v. Iowa Tel. Co. (119 Iowa, 619; 93 N. W. 596) 1768, 1927
- v. Lawrence County (71 Miss. 949; 15 So. 40) 1888
- v. Litchfield (56 Ill. App. 652) 948
- v. Saginaw (135 Mich. 61; 97 N. W. 156) 447, 2817
- v. Sibley (4 Minn. 309) 2660
- v. Tampa (40 Fla. 74; 23 So. 572) 2763
- v. Tecumseh (43 Neb. 221; 61 N. W. 632) 2845
- v. Watters (10 Utah, 298; 37 Pac. 566) 470, 742
- v. West End L. & C. P. R. Co. (2 Best & Smith, 605) 1611
- Chambers v. Cincinnati & Ga. R. Co. (69 Ga. 320) 2944
- v. Custer County (8 Idaho, 724; 71 Pac. 113) 1290
- v. Green (L. R. 20 Eq. 552) 2708
- v. St. Louis (29 Mo. 543) 235, 521, 1555, 1557, 1560, 1566, 1567, 1568, 1569, 1575, 1580
- v. Satterlee (40 Cal. 497) 2502, 2629, 2933
- v. State (127 Ind. 365; 26 N. E. 893; 11 L. R. A. 613) 727
- Chambersburg v. Manko (39 N. J. L. 496) 1801
- Chambers County v. Clews (21 Wall. [U. S.] 317) 1355, 1416, 1435, 1474
- Chamlee v. Davis (115 Ga. 266; 41 S. E. 691) 368
- Champaign v. Harmon (98 Ill. 491) 1561, 2485
- v. White (38 Ill. App. 233) 3000
- Champaign County Bank v. Smith (7 Ohio St. 42) 2439
- Champer v. Greencastle (138 Ind. 339; 35 N. E. 14; 24 L. R. A. 768; 46 Am. St. Rep. 390) 925, 943, 1017, 1019
- Chance v. Portland (26 Oreg. 286; 38 Pac. 68) 2629
- v. Temple (1 Iowa, 179) 2713, 2715, 2726
- Chancellor v. Elizabeth (65 N. J. L. 478, 483; 47 Atl. 454, 455) 331

## TABLE OF CASES CITED

69

[References are to pages]

Chancellor of Oxford's Case (10 Co. 87 b)	609	Chariton v. Barber (54 Iowa, 360; 6 N. W. 528; 37 Am. Rep. 209)	922, 1111
Chandler v. Bay St. Louis (57 Miss. 327)	1284, 1289, 2840, 2873	— v. Holliday (60 Iowa, 390; 14 N. W. 775)	910
— v. Bradish (23 Vt. 416)	718	Charity Hospital v. Stickney (2 La. An. 550)	995
— v. Boston (112 Mass. 200)	618, 619	Charles v. Finchley Local Bd. (L. R. 23 Ch. Div. 767)	3048
— v. Hughes County (9 S. Dak. 24; 67 N. W. 946)	746	— v. Hoboken (27 N. J. L. 203)	788, 812, 847, 848
— v. Johnson City (105 Tenn. 633; 59 S. W. 142)	735	— v. Marion (98 Fed. Rep. 166; s. c. 100 Fed. Rep. 538)	2519
— v. Kokomo (137 Ind. 295; 36 N. E. 847)	620	Charles River Br. Prop. v. Warren Br. Prop. (11 Pet. [U. S.] 420)	517, 1526, 1642, 2444, 2934
— v. Lawrence (138 Mass. 213)	808	Charleston v. Ahrens (4 Strob. [S. Car.] 241)	926, 934, 996, 1014, 2323
— v. Reynolds (19 Kan. 249)	627	— v. Ashley Phos. Co. (34 S. Car. 541; 13 S. E. 845)	979, 980
Chapin v. Brown (15 R. I. 579; 10 Atl. 639)	1716, 1720	— v. Baptist Church (4 Strob. Law [S. Car.] 306, 308)	581
— v. Maine Cent. R. Co. (97 Me. 151; 53 Atl. 1105)	1806	— v. Benjamin (2 Strob. [S. Car.] Law, 508)	926, 1095
— v. Osborn (29 Ind. 99)	2654	— v. Boyd (1 Const. Rep. [S. Car.] 352)	1031
— v. Pike (184 Mass. 184; 68 N. E. 42)	1277	— v. Cadle (166 Ill. 487; 46 N. E. 1120)	2623
— v. Sullivan R. Co. (39 N. H. 564; 75 Am. Dec. 237)	1818	— v. Chur (2 Bailey [S. Car.] 164)	980, 982, 988
— v. Vermont & Mass. R. Co. (8 Gray [Mass.] 575)	1325	— v. Condry (4 Rich. L. [S. Car.] 254)	2459
— v. Winchester School Dist., &c. (35 N. H. 445)	610, 1565, 1579	— v. Corleis (2 Bailey [S. Car.] 189)	983
— v. Worcester (124 Mass. 464)	1665	— v. Dunn (1 McCord [S. Car.] 333)	983
Chaplin v. Hill (24 Vt. 628)	1193	— v. Elford (1 McMullan [S. Car.] Law, 234)	1104
— v. Wheatland Highway Com'rs (129 Ill. 651; 22 N. E. 484)	1636, 1679	— v. Feekman (3 Rich. [S. Car.] Law, 385)	984
Chapman v. Ames (135 Cal. 246; 67 Pac. 1125)	2525	— v. Goldsmith (12 Rich. [S. Car.] Law, 470)	1010
— v. Brooklyn (40 N. Y. 372)	2498	— v. Goldsmith (2 Speers [S. Car.] Law, 428)	926, 1080
— v. Charleston (28 S. Car. 373; 6 S. E. 158; 13 Am. St. Rep. 681)	2866	— v. Johnston (170 Ill. 336; 48 N. E. 985)	2612, 2623
— v. Douglas County (107 U. S. 348)	1313, 1548, 2879	— v. King (4 McCord [S. Car.] 487)	963, 1124
— v. Gates (54 N. Y. 132)	1662	— v. Moore (94 Ill. App. 51)	2717
— v. Gordon (29 Ga. 250)	1755, 1791	— v. Moorhead (2 Rich. Law [S. Car.] 430)	630, 631
— v. Herrold (58 Pa. St. 106)	678	— v. Oliver (16 [S. Car.] 49)	976, 995, 2398, 2468, 2478
— v. Lowell (4 Cush. [Mass.] 378)	1259	— v. Payne (2 Nott & McCord [S. Car.] 475)	557, 676
— v. Miller (2 Speers [S. C.] Law, 769)	475	— v. Pepper (1 Rich. Law [S. Car.] 364)	963, 999, 1004, 1123
— v. New York City (168 N. Y. 80; 61 N. E. 108; 85 Am. St. Rep. 661, aff'g 57 App. Div. 583; 68 N. Y. Supp. 1135)	226, 227, 229, 564, 1247, 2100, 2101	— v. Pinckney (1 Tr. Const. [S. Car.] 42; s. c. 3 Brev. 217)	2405, 2800
— v. Rochester (110 N. Y. 273; 18 N. E. 88; 1 L. R. A. 296)	3053	— v. Postal Tel. Cable Co. (3 Am. Elect. Cas. 52)	1926
— v. Sault Ste. Marie (146 Mich. 23; 109 N. W. 53)	1724, 1727, 1746	— v. Reed (27 W. Va. 681; 55 Am. Rep. 336)	449, 1104, 1105
— v. State (104 Cal. 690; 38 Pac. 457)	479, 516		
Chappell v. United States (160 U. S. 499)	1603		

## TABLE OF CASES CITED

[References are to pages]

Charleston v. St. Philip's Church (1 McMull. Eq. 139) 2459	Chastian v. Calhoun (29 Ga. 333) 1012
— v. Seeba (4 Strob. [S. Car.] Law, 319) 981	Chatfield v. Wilson (28 Vt. 49) 2918
— v. Schmidt (11 Rich. [S. Car.] Law 343) 983	Chatham v. Houston (27 Upper Can. Q. B. 550) 762
— v. Wentworth Baptist Church (4 Strob. [S. Car.] Law, 306) 934, 1014, 1033	Chatham County v. Seaboard Air Line R. Co. (133 N. Car. 216; 45 S. E. 566) 2587
— v. Werner (38 S. Car. 488; 17 S. E. 33; 37 Am. St. Rep. 776) 2496, 2563	— v. Stafford (138 N. Car. 453; 50 S. E. 862) 1505
— v. Wiley (195 Ill. 433; 63 N. E. 1123) 623	Chattanooga v. Geiler (13 Lea [Tenn.] 612) 1172, 1678
Charleston L. & P. Co. v. Lloyd Laundry & S. Mfg. Co. (81 S. Car. 475; 62 S. E. 873) 2216	— v. Reid (103 Tenn. 616; 53 S. W. 937) 2842, 2843, 3047
Charleston Nat. Gas Co. v. Lowe (52 W. Va. 662; 44 S. E. 410) 2205	— v. State (5 Sneed [Tenn.] 578) 2802
Charlestown v. Middlesex County (1 Allen [Mass.] 199) 2588	Chattanooga Nat. Bank v. Chatta- nooga (8 Heisk. [Tenn.] 814) 2469
Charlier v. Woodruff (36 N. J. L. 204) 2601	Chaunt v. Smart (1 B. & P. 477) 2724
Charlock v. Freel (125 N. Y. 357; 26 N. E. 262) 3026	Chawk v. Beville ([Ky.], 56 S. W. 414) 2456
Charlotte v. Shepard (122 N. Car. 602; 29 S. E. 842) 2402	Cheaney v. Hooser (9 B. Mon. [Ky.] 330) 143, 618, 2396, 2428, 2850
Charlottesville v. Maury (96 Va. 383; 31 S. E. 520) 1620	Cheatham v. Shearn (1 Swan [Tenn.] 213) 1038
— v. Stratton's Adm'r (102 Va. 95; 45 S. E. 737) 3002	Cheek v. Aurora (92 Ind. 107) 1785, 1887, 1896
Charlton v. Allegheny (1 Grant [Pa.] Cas. 208) 2924	Cheaney v. Brookfield (60 Mo. 53) 1179, 1188, 1284, 1294, 1296, 2810
Charnock v. Colfax (51 Iowa, 70; 50 N. W. 286; 33 Am. Rep. 116) 1588	Cheesbrough, <i>In re</i> (17 Hun [N. Y.] 561) 1637
— v. Fordoche & G. T. Spec. Levee Dist. Co. (38 La. An. 323) 2379, 2503	Cheesebrough, Matter of (78 N. Y. 232) 2615
Chase v. Cleveland (44 Ohio, 505; 9 N. E. 225; 58 Am. Rep. 843) 2966, 3016	Cheetham v. Hampson (4 D. & E. 318) 3031
— v. Lowell (7 Gray [Mass.] 33) 677, 736	Cheever v. Shedd (13 Blatchf. 258) 2923
— v. Lowell (151 Mass. 422; 24 N. E. 212) 2988	Chegaray v. Jenkins (5 N. Y. 376) 774
— v. Merrimack Bank (19 Pick. [Mass.] 564; 31 Am. Dec. 163) 2674, 2855	Chegarey v. New York City (13 N. Y. 220) 2445
— v. Oshkosh (81 Wis. 313; 51 N. W. 560; 15 L. R. A. 553; 29 Am. St. Rep. 898) 1097, 1689, 1897	Chelmsford Co. v. Demarest (7 Gray [Mass.] 1) 683
— v. Scheerer (136 Cal. 248; 68 Pac. 768) 1213	Chelsea v. Holmes (137 Mich. 195; 100 N. W. 448) 2482
— v. Surry (88 Me. 468; 34 Atl. 270) 2821	Chelsea Sav. Bank v. Ironwood (130 Fed. Rep. 410) 1547, 1551
— v. Trout (146 Cal. 350; 80 Pac. 81) 2453	Chemung Canal Bank v. Chemung County (5 Denio [N. Y.] 517) 563, 1156, 1289, 1297, 1309
— v. Worcester (108 Mass. 60) 1674	Chenango County v. Birdsall (1 Wend. [N. Y.] 453) 1239, 1315
Chasemore v. Richards (7 H. L. Cas. 349) 2307	Chenery v. Waltham (8 Cush. [Mass.] 327) 617
Chase National Bank v. Faurot (149 N. Y. 532; 44 N. E. 164; 35 L. R. A. 605) 1353, 1486	Cheney v. Anderson (72 Kan. 696; 84 Pac. 137) 1746
	— v. Barker (198 Mass. 356; 84 N. E. 492; 16 L. R. A. N. S. 436) 1770, 1912, 1914
	— v. Beverly (188 Mass. 81; 74 N. E. 306) 2530, 2536, 2617
	Cheny v. Shelbyville (18 Ind. 84) 996
	Cherington v. Columbus (50 Ohio St. 475; 34 N. E. 680) 2530
	Cherokee v. Sioux City & I. F. Town Lot Co. (52 Iowa, 279; 3 N. W. 42) 1643

TABLE OF CASES CITED

71

[References are to pages]

Cherokee County <i>v.</i> Wilson (109 U. S. 621)	2718	Chester & L. N. G. R. Co. <i>v.</i> Caldwell County Com'rs (72 N. Car. 486)	659
Cherokee County Board of Education <i>v.</i> Cherokee County (150 N. Car. 116; 63 S. E. 724)	2657	Chester City <i>v.</i> Black (132 Pa. 568; 19 Atl. 276)	2636, 2637
Cherokee Ins. & B. Co. <i>v.</i> Whitfield (28 Ga. 121)	2422	— <i>v.</i> Western Un. Tel. Co. (154 Pa. St. 464; 25 Atl. 1134)	1003, 2074, 2076
Cherokee Nation <i>v.</i> Southern Kansas R. Co. (135 U. S. 641)	1603, 1605, 1661	Chester County <i>v.</i> Brower (117 Pa. 647; 12 Atl. 577)	2948
Cherry <i>v.</i> Howe (17 Ohio Cir. Ct. 246)	1706, 1714	Chester's Annexation (174 Pa. 177; 34 Atl. 457)	621
— <i>v.</i> Lane County (25 Oreg. 487; 36 Pac. 531)	1661	Chestnut Ave., <i>In re</i> (68 Pa. St. 81)	2584
— <i>v.</i> Rock Hill (48 S. Car. 553; 26 S. E. 798)	1841, 1843	Chestnut Highway Com'rs <i>v.</i> Newell (80 Ill. 587)	537, 1338
Cherry Creek <i>v.</i> Becker (18 N. Y. St. Rep. 485; 2 N. Y. Supp. 514, aff'd 123 N. Y. 161; 25 N. E. 369)	1539, 1540	Chestnut Street, <i>In re</i> (118 Pa. 593; 12 Atl. 585)	1060, 1630
Cherryvale <i>v.</i> Hawman (80 Kan. 170; 101 Pac. 994; 23 L. R. A. N. s. 645)	2851	Chestnutwood <i>v.</i> Hood (68 Ill. 132)	660, 661, 2770
— <i>v.</i> Studyvin (76 Kan. 285; 91 Pac. 60; 11 L. R. A. N. s. 385)	1863	Chicago, <i>In re</i> (64 Fed. Rep. 897)	2401
Cherryvale Water Co. <i>v.</i> Cherryvale (65 Kan. 219; 69 Pac. 176)	2134, 2189, 2194	Chicago <i>v.</i> Adcock (168 Ill. 221; 48 N. E. 155)	2548, 2616, 2620
Chesapeake & O. R. Co. <i>v.</i> Gross ([Ky.], 43 S. W. 203)	2014	— <i>v.</i> Allcock (86 Ill. 384)	1319
— <i>v.</i> Maysville ([Ky.], 69 S. W. 728)	943	— <i>v.</i> Altgeld (33 Ill. App. 23)	673
— <i>v.</i> Miller (114 U. S. 176)	2449	— <i>v.</i> Apel (50 Ill. App. 132)	2976
— <i>v.</i> Virginia (94 U. S. 718)	2449	— <i>v.</i> Ayers (212 Ill. 59; 72 N. E. 32)	2630
Chesapeake & P. Tel. Co. <i>v.</i> Baltimore (89 Md. 689; 43 Atl. 784; 44 Atl. 1033)	1985	— <i>v.</i> Baer (41 Ill. 306)	2544, 2547, 2551, 2585, 2591
— <i>v.</i> Baltimore & O. Tel. Co. (66 Md. 399; 7 Atl. 809; 59 Am. Rep. 167)	1927	— <i>v.</i> Baker (86 Fed. Rep. 753; s. c. 98 Fed. Rep. 830)	1841, 1842, 1843, 2931, 2932
— <i>v.</i> Mackenzie (74 Md. 36; 21 Atl. 690; 28 Am. St. Rep. 219)	1928, 1931	— <i>v.</i> Baker (195 Ill. 54; 62 N. E. 892)	2965, 2975, 3014
Chesebrough <i>v.</i> Conover (140 N. Y. 382; 35 N. E. 891)	1151	— <i>v.</i> Banker (112 Ill. App. 94)	991, 1086, 1088, 1826
Cheshire <i>v.</i> Howland (13 Gray [Mass.] 321)	1295	— <i>v.</i> Barbian (80 Ill. 482)	1653
Chess <i>v.</i> Birmingham (1 Grant [Pa.] Cas. 438)	2460	— <i>v.</i> Bartee (100 Ill. 57)	2324
Chester <i>v.</i> Baltimore & O. R. Co. (217 Pa. 402; 66 Atl. 654)	1943	— <i>v.</i> Beck Lumber Co. (93 Ill. App. 70)	1185
— <i>v.</i> Evans (32 Pa. Super. Ct. 641)	2559	— <i>v.</i> Berger (100 Ill. App. 158)	672, 1244
— <i>v.</i> First Nat. Bank (9 Pa. Super. Ct. 517)	3032	— <i>v.</i> Bixby (84 Ill. 82; 25 Am. Rep. 429)	2965, 2967, 2968
— <i>v.</i> Hagan (116 Fed. Rep. 223)	474, 504, 515	— <i>v.</i> Blair (149 Ill. 310; 36 N. E. 829; 24 L. R. A. 412)	2546, 2547, 2549, 2584
— <i>v.</i> Leonard (68 Conn. 495; 37 Atl. 397)	1264	— <i>v.</i> Borden (190 Ill. 430; 60 N. E. 915)	1700, 1714, 1717
— <i>v.</i> Wabash C. & W. R. Co. (182 Ill. 382; 55 N. E. 524)	1792, 1907, 1963, 1967	— <i>v.</i> Brown (205 Ill. 568; 69 N. E. 65)	1808
		— <i>v.</i> Bullis (124 Ill. App. 7)	822
		— <i>v.</i> Burcky (158 Ill. 103; 42 N. E. 178; 29 L. R. A. 568; 49 Am. St. Rep. 142)	1843
		— <i>v.</i> Burke (226 Ill. 191; 80 N. E. 720)	923, 1080
		— <i>v.</i> Campbell (118 Ill. App. 129)	745
		— <i>v.</i> Carpenter (201 Ill. 402; 66 N. E. 362)	1799

## TABLE OF CASES CITED

[References are to pages]

- Chicago v. Chicago (207 Ill. 37; 69 N. E. 580) 2445, 2572, 2578  
 — v. Chicago, & W. I. R. Co. (105 Ill. 73) 2865  
 — v. Chicago, R. I. & P. R. Co. (152 Ill. 561; 38 N. E. 768) 1703  
 — v. Chicago Tel. Co. (230 Ill. 157; 82 N. E. 607; 13 L. R. A. N. S. 1084) 1957, 1958  
 — v. Chicago Union Traction Co. (199 Ill. 259; 65 N. E. 243; 59 L. R. A. 666) 2564  
 — v. Colby (20 Ill. 614) 2574  
 — v. Collins (175 Ill. 445; 51 N. E. 907; 67 Am. St. Rep. 224) 991, 992, 1004, 1850, 1851  
 — v. Condell (224 Ill. 595; 79 N. E. 954; s. c. 124 Ill. App. 64) 822  
 — v. Cook County (136 Ill. App. 120) 2389  
 — v. Crooker (2 Ill. App. 279) 2984, 3019  
 — v. Crosby (111 Ill. 538) 2564, 2968  
 — v. Davies (110 Ill. App. 427) 3014  
 — v. Dermody (61 Ill. 431) 2883, 3025  
 — v. Drexel (141 Ill. 89; 30 N. E. 774) 1732, 1744, 1745  
 — v. Duffy (179 Ill. 447; 53 N. E. 982) 1227  
 — v. Duffy (218 Ill. 242; 75 N. E. 912, aff'g 117 Ill. App. 261) 1226  
 — v. Edwards (58 Ill. 252) 736, 793  
 — v. English (180 Ill. 476; 54 N. E. 609, aff'g 80 Ill. App. 163) 669, 1594, 1597, 2175  
 — v. Evans (24 Ill. 52) 916, 2729  
 — v. Ferris Wheel Co. (60 Ill. App. 384) 2754  
 — v. Fishburn (189 Ill. 367; 59 N. E. 791) 404  
 — v. Fitzgerald (75 Ill. App. 174) 3001  
 — v. Fowler (60 Ill. 322) 2989, 2993, 3014  
 — v. Fraser (60 Ill. App. 404) 1178  
 — v. Gage (95 Ill. 593; 35 Am. Rep. 182) 679, 680  
 — v. Gallagher (44 Ill. 295) 2964, 2993  
 — v. Galpin (183 Ill. 399; 55 N. E. 731) 360  
 — v. Gillen (124 Ill. App. 210) 799, 822  
 — v. Gillett (91 Ill. App. 287) 3020  
 — v. Gillette (108 Ill. App. 455) 2971, 2998, 3015, 3018  
 — v. Gosselin (4 Ill. App. 570) 1741  
 — v. Greer (9 Wall. [U. S.] 726) 765  
 Chicago v. Gunning System (214 Ill. 628; 73 N. E. 1035; 70 L. R. A. 230, aff'g 114 Ill. App. 377) 925, 929, 986, 1064, 1067, 1068, 1104  
 — v. Hannon (115 Ill. App. 183) 2868  
 — v. Hanreddy (211 Ill. 24; 71 N. E. 834, aff'g 102 Ill. App. 1) 1197, 1199  
 — v. Harris (113 Ill. App. 633) 2971  
 — v. Hasley (25 Ill. 595) 742, 1586, 1588, 2678  
 — v. Hayward (176 Ill. 130; 52 N. E. 26) 1559, 1653  
 — v. Hesing (83 Ill. 204; 25 Am. Rep. 378) 2965, 3010  
 — v. Hislop (61 Ill. 86) 2965, 2967  
 — v. Holden (194 Ill. 213; 62 N. E. 550) 2453  
 — v. Hoy (75 Ill. 530) 2977  
 — v. Huenerbein (85 Ill. 594; 28 Am. Rep. 626) 3038  
 — v. Hulbert (205 Ill. 346; 68 N. E. 786) 1215, 1216, 1217, 2453  
 — v. Hulbert (234 Ill. 321; 84 N. E. 922) 1820  
 — v. Illinois Steel Co. (229 Ill. 303; 82 N. E. 286) 1893  
 — v. Illinois Steel Co. (66 Ill. App. 561) 1782, 1932  
 — v. Jackson (196 Ill. 496; 63 N. E. 1013, 1135) 1674, 1684, 2944  
 — v. Johnson (53 Ill. 91) 2993, 3016  
 — v. Johnson (98 Ill. 618) 1709  
 — v. Joney (60 Ill. 383) 2883, 3025  
 — v. Keefe (114 Ill. 222; 2 N. E. 267; 55 Am. Rep. 860) 2997  
 — v. Kelly (69 Ill. 475) 2876, 3005  
 — v. Klinkert (94 Ill. App. 524) 2831  
 — v. Kohlhof (64 Ill. App. 349) 2998  
 — v. Laffin (49 Ill. 172) 493, 1039  
 — v. Langlass (52 Ill. 256; 4 Am. Rep. 603) 2876, 3002, 3004, 3005  
 — v. Langlass (66 Ill. 361) 2984, 2985, 3019, 3020  
 — v. Larned (34 Ill. 203) 1665, 2503, 2504, 2544, 2545, 2566, 2574  
 — v. Law (144 Ill. 569; 33 N. E. 855) 2399, 2556  
 — v. Le Moyne (119 Fed. Rep. 662) 1684  
 — v. Lonergan (196 Ill. 518; 63 N. E. 1018) 1684, 2939  
 — v. Luthardt (191 Ill. 516; 61 N. E. 410, aff'g 91 Ill. App. 324) 744  
 — v. McCabe (93 Ill. App. 288) 3001, 3014, 3020  
 — v. McCarthy (75 Ill. 602) 2984, 3019, 3020  
 — v. McCrudden (92 Ill. App. 257) 3001



# TABLE OF CASES CITED

73

[References are to pages]

- Chicago v. McDonald* (176 Ill. 404; 52 N. E. 982) 356, 359, 360, 361, 385, 398, 400
- *v. McDonald* (57 Ill. App. 250) 2977
- *v. McDonald* (111 Ill. App. 436) 2564, 2966
- *v. McGinn* (51 Ill. 266; 2 Am. Rep. 295) 493, 1832
- *v. McGiven* (78 Ill. 347) 2966, 3018
- *v. McGovern* (226 Ill. 403; 80 N. E. 895) 1251, 2635
- *v. McGraw* (75 Ill. 566) 2869
- *v. McKechney* (205 Ill. 372; 68 N. E. 954, rev'g 91 Ill. App. 442) 1190, 1226, 1228, 1232, 1236
- *v. McKenna* (114 Ill. App. 270) 2965
- *v. Major* (18 Ill. 349; 48 Am. Dec. 553) 2965, 3010
- *v. Manhattan Cement Co.* (178 Ill. 372; 53 N. E. 68; 69 Am. St. Rep. 321) 2391, 2851
- *v. Martin* (49 Ill. 241; 95 Am. Dec. 590) 3003, 3005
- *v. Mohr* (216 Ill. 320; 74 N. E. 1056) 1214
- *v. Murdoch* (212 Ill. 9; 72 N. E. 46, aff'g 113 Ill. App. 656) 2944, 3022, 3027
- *v. Murphy* (84 Ill. 322) 3015
- *v. Netcher* (183 Ill. 104; 55 N. E. 707; 48 L. R. A. 261; 75 Am. St. Rep. 93) 1001, 1009
- *v. Newberry Library* (224 Ill. 330; 79 N. E. 666) 1808, 2081
- *v. Nichols* (177 Ill. 97; 52 N. E. 359) 2763, 2781
- *v. Nodeck* (202 Ill. 257; 67 N. E. 39) 1808, 2081, 2452, 2630
- *v. Noonan* (210 Ill. 18; 71 N. E. 32) 2638
- *v. Northwestern Mut. L. Ins. Co.* (218 Ill. 40; 75 N. E. 803; 1 L. R. A. n. s. 770) 2205, 2210, 2223
- *v. Norton Milling Co.* (196 Ill. 580; 63 N. E. 1043, aff'g 97 Ill. App. 61) 377, 449, 1178, 1194, 2868, 2880, 3048, 3054
- *v. O'Brennan* (65 Ill. 160) 2860, 3031
- *v. O'Brien* (111 Ill. 531; 53 Am. Rep. 640) 2564, 2968
- *v. Pennsylvania Co.* (119 Fed. Rep. 497) 2850, 2851
- *v. People* (48 Ill. 416) 1248, 1250, 1253
- *v. People* (56 Ill. 327) 1248, 1252, 1254, 1319, 2638
- *v. People* (80 Ill. 384) 2577
- *v. People* (210 Ill. 84; 71 N. E. 816, rev'g 111 Ill. App. 594) 809, 812, 815, 820, 2671
- Chicago v. People* (215 Ill. 235; 74 N. E. 137, aff'g 116 Ill. App. 564) 2624, 2635, 2720
- *v. People* (98 Ill. App. 517) 2678
- *v. People* (114 Ill. App. 145) 805, 2657
- *v. Pooley* (112 Ill. App. 343) 1869
- *v. Powers* (42 Ill. 169; 89 Am. Dec. 418) 1831, 1833, 1834
- *v. Quimby* (38 Ill. 274) 919, 956, 1080, 1081
- *v. Richardson* (75 Ill. App. 198) 2959, 2966, 3001
- *v. Robbins* (2 Black [U. S.] 418; 4 Wall. [U. S.] 657) 1874, 1991, 2012, 2883, 2992, 3023, 3024, 3025, 3028, 3029, 3031, 3032, 3033
- *v. Rogers Park Water Co.* (214 Ill. 212; 73 N. E. 375) 2150, 2232, 2234, 2236, 2248
- *v. Rumpff* (45 Ill. 90; 92 Am. Dec. 196) 518, 930, 1010, 1049
- *v. Rumsey* (87 Ill. 348) 1770, 1783, 2938
- *v. Rustin* (99 Ill. App. 47) 3040, 3047, 3050
- *v. Sansum* (87 Ill. 182) 2680, 2711
- *v. Seben* (62 Ill. App. 248) 2965
- *v. Selz* (202 Ill. 545; 67 N. E. 386) 2135, 2845, 2910, 2912
- *v. Sexton* (115 Ill. 230; 2 N. E. 263) 377, 765, 1185, 1228
- *v. Sheldon* (9 Wall. [U. S.] 50) 1405, 1413, 2592
- *v. Shepard* (8 Ill. App. 602) 1653
- *v. Sherman* (192 Ill. 576; 61 N. E. 850) 2453
- *v. Sherman* (212 Ill. 498; 72 N. E. 396) 2628
- *v. Smith* (204 Ill. 356; 68 N. E. 395, aff'g 107 Ill. App. 270) 1687, 1699, 1716, 1718, 1730
- *v. Starr* (42 Ill. 174; 89 Am. Dec. 422) 3010
- *v. Stearns* (105 Ill. 554) 3015
- *v. Stratton* (162 Ill. 494; 44 N. E. 853; 35 L. R. A. 84; 53 Am. St. Rep. 325, rev'g 58 Ill. App. 539) 986, 1050, 1061
- *v. Taylor* (125 U. S. 161) 1611, 2018, 2925, 2929, 2932, 2935, 2939, 2940, 2944
- *v. Trotter* (136 Ill. 430; 26 N. E. 359) 935, 940
- *v. Turner* (80 Ill. 419) 2871
- *v. Union Building Assoc.* (102 Ill. 379; 40 Am. Rep. 598) 1835, 1843, 1844, 2749, 2782, 2925, 2939, 2945
- *v. Union Stock Yards & Transit Co.* (164 Ill. 224; 45 N. E. 430; 35 L. R. A. 281) 1043, 1893, 1947, 1986, 1990

[References are to pages]

- Chicago v. Van Ingen* (152 Ill. 624; 38 N. E. 894; 43 Am. St. Rep. 285) 493, 1709  
 — *v. Verdon* (119 Ill. App. 494) 1869  
 — *v. Walsh* (203 Ill. 318; 67 N. E. 774) 2608  
 — *v. Ward* (36 Ill. 9) 2638  
 — *v. Ward* (169 Ill. 392; 48 N. E. 927; 38 L. R. A. 849; 61 Am. St. Rep. 185) 1700, 1708, 1747, 1750, 1755, 1759  
 — *v. Waukesha Brew'g Co.* (97 Ill. App. 583) 765  
 — *v. Webb* (102 Ill. App. 232) 2918  
 — *v. Weber* (94 Ill. App. 561) 1651  
 — *v. Weir* (165 Ill. 582; 46 N. E. 725) 1227  
 — *v. Wheeler* (25 Ill. 478) 1650, 1653, 1655  
 — *v. Williams* (182 Ill. 135; 55 N. E. 123, rev'g 80 Ill. App. 33) 564, 673, 1155, 1247, 2883  
 — *v. Wilson* (195 Ill. 19; 62 N. E. 843; 57 L. R. A. 127) 1820  
 — *v. Wright* (32 Ill. 192) 2399, 2401, 2451, 2485  
 — *v. Wright* (68 Ill. 586) 2965  
 — *v. Wright* (69 Ill. 318) 153, 176, 1640, 1694, 1695, 1700, 1793, 1834, 1892  
*Chicago & A. R. Co. v. Adler* (56 Ill. 344) 144, 152, 177  
 — *v. Averill* (224 Ill. 516; 79 N. E. 654) 989  
 — *v. Carlinville* (200 Ill. 314; 65 N. E. 730; 60 L. R. A. 391; 93 Am. St. Rep. 190, aff'g 103 Ill. App. 251) 943, 989, 1090, 1091  
 — *v. Engle* (76 Ill. 317) 947, 988  
 — *v. Joliet* (153 Ill. 649; 39 N. E. 1077) 2549, 2551, 2587  
 — *v. Maher* (91 Ill. 312) 2018  
 — *v. Pontiac* (169 Ill. 155; 48 N. E. 485) 1612, 1614, 1615, 1616, 1640, 1669, 1675  
 — *v. Wilson* (225 Ill. 50; 80 N. E. 56; 116 Am. St. Rep. 102) 988  
*Chicago & C. T. R. Co. v. Whiting, H. & E. C. St. R. Co.* (139 Ind. 297; 38 N. E. 604; 26 L. R. A. 337; 47 Am. St. Rep. 264; s. c. 151 Ind. 577; 46 N. E. 999) 1983, 2006  
*Chicago & E. I. R. Co. v. Loeb* (118 Ill. 203; 8 N. E. 460) 2010, 2016, 2018  
 — *v. McAuley* (121 Ill. 160; 11 N. E. 67) 2018  
 — *v. People* (200 Ill. 237; 65 N. E. 701) 2460  
*Chicago & E. R. Co. v. Keith* (67 Ohio St. 279; 65 N. E. 1020; 60 L. R. A. 525) 2530  
*Chicago & G. E. R. Co. v. Vosburgh* (45 Ill. 311) 1228  
*Chicago & G. T. R. Co. v. Chappell* (124 Mich. 72; 82 N. W. 800) 1617  
 — *v. Hough* (61 Mich. 507; 28 N. W. 532) 1617  
 — *v. Wellman* (143 U. S. 339) 2226, 2228, 2248, 2252, 2260  
*Chicago & J. El. R. Co. v. Freeman* (125 Ill. App. 318) 986  
*Chicago & N. P. R. Co. v. Chicago* (174 Ill. 439; 51 N. E. 596) 873, 892, 893, 897, 898, 1822  
*Chicago & N. W. R. Co. v. Chicago* (140 Ill. 309; 29 N. E. 1109) 1616  
 — *v. Chicago* (148 Ill. 141; 35 N. E. 881) 1559, 1613, 1647, 1651, 1653  
 — *v. Chicago* (151 Ill. 348; 37 N. E. 842) 1611, 1614  
 — *v. Cicero* (154 Ill. 656; 39 N. E. 574) 1613, 1615, 1645  
 — *v. Cicero* (155 Ill. 51; 39 N. E. 577) 1613  
 — *v. Dey* (35 Fed. Rep. 866; 1 L. R. A. 744) 2226, 2259, 2284  
 — *v. Elgin* (91 Ill. 251) 1893  
 — *v. Elmhurst* (165 Ill. 148; 46 N. E. 437) 2517, 2545, 2549, 2551, 2552, 2587  
 — *v. Forest County* (95 Wis. 80; 70 N. W. 77) 331, 2588  
 — *v. Fort Howard* (21 Wis. 44; 91 Am. Dec. 458) 2424, 2788  
 — *v. Langlade County* (56 Wis. 614; 14 N. W. 844) 174  
 — *v. Milwaukee R. & K. E. R. Co.* (95 Wis. 561; 70 N. W. 678; 37 L. R. A. 856; 60 Am. St. Rep. 136) 2013, 2031  
 — *v. Morrison* (195 Ill. 271; 63 N. E. 96) 1611, 1614, 1615, 1616, 1640  
 — *v. People* (120 Ill. 104; 11 N. E. 418) 2587  
 — *v. People* (171 Ill. 525; 49 N. E. 538) 2460  
 — *v. People* (183 Ill. 196; 55 N. E. 643) 2460  
 — *v. Prescott* (59 Fed. Rep. 237) 2969  
 — *v. State* (128 Wis. 553; 108 N. W. 557) 2341, 2366, 2370  
*Chicago & Pac. R. Co. v. Francis* (70 Ill. 238) 2929, 2939, 2946  
*Chicago & R. I. R. Co. v. Whipple* (22 Ill. 105) 2793  
*Chicago & W. I. R. Co. v. Ayres* (106 Ill. 511) 2018, 2939, 2946  
 — *v. Dunbar* (95 Ill. 571) 1907  
 — *v. Dunbar* (100 Ill. 110) 1947, 1971



# TABLE OF CASES CITED

75

[References are to pages]

Chicago & W. I. R. Co. v. General Elect. R. Co. (79 Ill. App. 569) 2006, 2018	Chicago, B. & Q. R. Co. v. Steel (47 Neb. 741; 66 N. W. 830) 1983
Chicago Bridge & Iron Co. v. West Bay City (129 Mich. 65; 87 N. W. 1032) 1214	— v. Thorson (68 Ill. App. 288) 988
Chicago, B. & K. C. R. Co. v. Guffey (120 U. S. 569) 2443	— v. West Chicago St. R. Co. (156 Ill. 255; 40 N. E. 1008; 29 L. R. A. 485) 1931, 1983, 2002, 2004, 2017, 2018, 2084
Chicago, B. & Q. R. Co. v. Atchi- son County (54 Kan. 781; 39 Pac. 1039) 2377	— v. Wilber (63 Neb. 624; 88 N. W. 660) 404, 405, 1384
— v. Aurora (99 Ill. 205) 1534	Chicago City R. Co. v. Chicago (142 Fed. Rep. 844) 1958
— v. Banker (44 Ill. 26) 1687	— v. Chicago (90 Ill. 573; 32 Am. Rep. 54) 2551, 2591
— v. Chicago I (166 U. S. 226, aff'g 149 Ill. 457; 37 N. E. 78) 1605, 1613, 1615, 1616, 1675, 2250	— v. Story (73 Ill. 541) 442, 1905, 1907
— v. Drainage Com'rs (200 U. S. 561) 500	— v. Young (62 Ill. 238) 1981
— v. Dundy County ([Neb.], 91 N. W. 554) 1413	Chicago Cold Storage Warehouse Co. v. People (224 Ill. 287; 79 N. E. 692) 1867
— v. Haggerty (67 Ill. 113) 1090, 2067	Chicago, D. & U. R. Co. v. Chicago (121 Ill. 176; 11 N. E. 907) 1971
— v. Hyatt (48 Neb. 161; 67 N. W. 8) 441	Chicago, D. & V. R. Co. v. Smith (62 Ill. 268; 14 Am. Rep. 99) 569, 2388
— v. Illinois (200 U. S. 561) 1637	— v. St. Anne (101 Ill. 151) 1535
— v. Iowa (94 U. S. 155) 261, 331	Chicago Dock Co. v. Garrity (115 Ill. 155; 3 N. E. 448) 447, 479, 1003, 1963, 1999
— v. Jones (149 Ill. 361; 37 N. E. 247; 24 L. R. A. 141; 41 Am. St. Rep. 278) 2231	Chicago General R. Co. v. Chicago (176 Ill. 253; 52 N. E. 880; 66 L. R. A. 959) 318, 1955, 1957
— v. Kellogg (54 Neb. 138; 74 N. W. 403) 1146	Chicago, I. & L. R. Co. v. Salem (166 Ind. 71; 76 N. E. 631) 900
— v. Klein (52 Neb. 258; 71 N. W. 1069) 347	Chicago, K. & N. R. Co. v. Hazels (26 Neb. 364; 42 N. W. 93) 2015
— v. Lincoln County (66 Neb. 228; 92 N. W. 208) 2830	Chicago, K. & W. R. Co. v. Chau- tauqua County (49 Kan. 763; 31 Pac. 736) 1616
— v. McGinnis (79 Ill. 269) 2010, 2016	Chicago, K. & W. R. Co. v. Osage County (38 Kan. 597; 16 Pac. 828) 1508
— v. Naperville (166 Ill. 87; 47 N. E. 734) 1615	Chicago Lake Front Case (33 Fed. Rep. 730) 502, 511, 514
— v. Naperville (169 Ill. 25; 48 N. E. 335) 1632	Chicago League Ball Club v. Chi- cago (77 Ill. App. 124) 2850
— v. Nebraska City (53 Neb. 453; 73 N. W. 952) 616	Chicago Life Ins. Co. v. Needles (113 U. S. 574) 2177
— v. Otoe County (16 Wall. [U. S.] 667; 1 Dill. C. C. R. 338) 1435, 1518, 1526	Chicago, M. & St. P. R. Co. v. Janesville (137 Wis. 7; 118 N. W. 182; 28 L. R. A. n. s. 1124) 2542, 2564, 2588, 2620
— v. Otoe County (1 Dill. C. C. R. 338) 1396, 1397, 1435	— v. McArthur (10 U. S. App. 546) 1715
— v. Ottawa (148 Ill. 397; 36 N. E. 85) 990	— v. Milwaukee (89 Wis. 506; 62 N. W. 417; 28 L. R. A. 249) 2543, 2566, 2568, 2588
— v. Ottawa (65 Ill. App. 631) 1093	— v. Milwaukee (97 Wis. 418; 72 N. W. 1118) 1615, 1618, 2060, 2061
— v. Payne (59 Ill. 534) 2082	— v. Minnesota (134 U. S. 418) 2226, 2228, 2236, 2248, 2250, 2251, 2256, 2257, 2261, 2267
— v. People (212 Ill. 103; 72 N. E. 219) 1616, 1637	
— v. Porter (72 Iowa, 426; 34 N. W. 286) 484, 495	
— v. Quincy (136 Ill. 489; 27 N. E. 232) 1975	
— v. Quincy (136 Ill. 563; 27 N. E. 192; 29 Am. St. Rep. 334) 1804, 1820, 1849, 2551	
— v. Siders (88 Ill. 321) 2765	

## TABLE OF CASES CITED

[References are to pages]

- Chicago, M. & St. P. R. Co. *v.* Starkweather (97 Iowa, 159; 66 N. W. 87; 31 L. R. A. 183; 59 Am. St. Rep. 404) 1613, 1614  
 — *v.* Tompkins (176 U. S. 167) 2226, 2248, 2254, 2258, 2259  
 Chicago Mun. G. L. & F. Co. *v.* Lake (130 Ill. 42; 22 N. E. 616) 1905, 1907, 1985, 2139  
 Chicago, N. & S. W. R. Co. *v.* Newton (36 Iowa, 299) 1991, 2010  
 Chicago Office Building *v.* Lake St. Elev. R. Co. (87 Ill. App. 594) 2020  
 Chicago Packing & Prov. Co. *v.* Chicago (88 Ill. 221; 30 Am. Rep. 545) 613, 617, 964, 998, 1002, 1004  
 Chicago Public Stock Exchange *v.* McClaughry (148 Ill. 372; 36 N. E. 88) 990  
 Chicago Ry. Equipment Co. *v.* Merchant's Bank (136 U. S. 268) 1393  
 Chicago, R. I. & P. R. Co. *v.* Avoca (99 Iowa, 556; 68 N. W. 881) 2636  
 — *v.* Chicago (139 Ill. 573; 28 N. E. 1108) 2447, 2587  
 — *v.* Council Bluffs (109 Iowa, 425; 80 N. W. 564) 910, 1896  
 — *v.* Joliet (79 Ill. 25) 984, 1038, 1688, 1893, 1896  
 — *v.* Lake (71 Ill. 333) 1820  
 — *v.* Moline (158 Ill. 64; 41 N. E. 877) 2551  
 — *v.* Ottumwa (112 Iowa, 300; 83 N. W. 1074; 51 L. R. A. 763) 2399, 2491, 2591  
 — *v.* People (120 Ill. App. 306) 1982, 1983, 2019  
 — *v.* Reidy (66 Ill. 43) 2067  
 — *v.* Steckman (224 Ill. 500; 79 N. E. 602) 1093  
 — *v.* Sturey (55 Neb. 137; 75 N. W. 557) 2015  
 — *v.* Williams (148 Fed. Rep. 442) 1614  
 Chicago, St. L. & N. O. R. Co. *v.* Kentwood (49 La. An. 931; 22 So. 192) 121, 2381  
 Chicago, St. P., M. & O. R. Co. *v.* Becker (35 Fed. Rep. 883) 2226  
 Chicago Sanitary Dist. *v.* Adam (179 Ill. 406; 53 N. E. 743) 1690  
 — *v.* Blake Mfg. Co. (179 Ill. 167; 53 N. E. 627; aff'g 77 Ill. App. 287) 1198  
 — *v.* Joliet (189 Ill. 270; 59 N. E. 566) 2537, 2549  
 — *v.* Loughran (160 Ill. 362; 43 N. E. 359) 1675  
 — *v.* McGuirl (86 Ill. App. 392) 2960  
 Chicago Sanitary Dist. *v.* McMahon (110 Ill. App. 510) 1197  
 — *v.* Ricker (91 Fed. Rep. 833, rev'g 89 Fed. Rep. 251) 1156, 1164  
 Chicago Tel. Co. *v.* Northwestern Tel. Co. (199 Ill. 324; 65 N. E. 329, aff'g 100 Ill. App. 57) 874, 1985, 1987, 2149  
 Chicago Terminal Transfer Co. *v.* Chicago (178 Ill. 429; 53 N. E. 361) 2587  
 Chicago Theological Seminary *v.* Illinois (188 U. S. 662) 2443, 2445  
 Chicago Title & Trust Co. *v.* Lake View (187 Ill. 622; 58 N. E. 597) 2391  
 Chicago Union Traction Co. *v.* Case (129 Ill. App. 451) 2077, 2078  
 — *v.* Chicago (202 Ill. 576; 67 N. E. 383) 2554  
 — *v.* Chicago (207 Ill. 544; 69 N. E. 849) 133, 908  
 — *v.* Chicago (215 Ill. 410; 74 N. E. 449) 2587  
 — *v.* Stanford (104 Ill. App. 99) 1767  
 Chicago Yacht Club *v.* Marks (97 Ill. App. 406) 493  
 Chichester *v.* Foster ([1906] 1 K. B. Div. 167) 1852  
 Chick *v.* Newberry County (27 S. Car. 419; 3 S. E. 787) 2950, 2953, 2957  
 Chickaming *v.* Carpenter (106 U. S. 663) 1292  
 Chickasaw County *v.* Board &c. of Sumner Co. (58 Miss. 619) 618  
 Chicopee Bank *v.* Chapin (8 Met. [Mass.] 40) 1352  
 Chicot County *v.* Kruse (47 Ark. 80; 14 S. W. 469) 2681  
 Chidsey *v.* Canton (17 Conn. 475) 2856, 2859, 2952, 2957, 3005  
 — *v.* Scranton (70 Miss. 449; 12 So. 545) 2461  
 Child *v.* Boston (4 Allen [Mass.] 41; 81 Am. Dec. 680) 772, 2880, 2916, 2917, 3047, 3048, 3049, 3050, 3053, 3054, 3055, 3056  
 — *v.* Hudson's Bay Co. (2 P. Wms. 207) 922  
 Childers *v.* Holmes (95 Mo. App. 154; 68 S. W. 1046) 2562, 2632, 2634  
 Childress *v.* Nashville (3 Sneed. [Tenn.] 347) 1041  
 Childs *v.* Anacortes (5 Wash. 452; 32 Pac. 217) 403  
 — *v.* Nelson (69 Wis. 125; 33 N. W. 587) 1711, 1725, 1794, 1897  
 Chillicothe *v.* Wilder (200 Mo. 97; 98 S. W. 465) 522  
 Chilton *v.* London & C. R. Co. (16 M. & W. 212) 961

## TABLE OF CASES CITED

77

[References are to pages]

- Chilton v. St. Joseph** (143 Mo. 192; 44 S. W. 766) 3002
- Chilvers v. People** (11 Mich. 43) 519, 998
- Chinese Tax Cases** (14 Fed. Rep. 338) 2460
- Chinn v. Gunn** (148 Cal. 755; 84 Pac. 669) 287, 327
- Chin Yan, Ex parte** (60 Cal. 78) 925, 930, 944
- Chipchase, In re** (56 Kan. 357; 43 Pac. 264) 2463, 2464
- Chippewa Bridge Co. v. Durand** (122 Wis. 85; 99 N. W. 603; 106 Am. St. Rep. 931) 877, 879, 880, 881, 882, 883, 1170, 1194, 1197, 1198, 1212, 1214, 1224
- Chittenden v. Columbus** (26 Ohio Cir. Ct. 531; 16 Ohio Cir. Dec. 531) 1088
- **v. Lansing** (120 Mich. 539; 79 N. W. 797) 1237
- **v. Wurster** (152 N. Y. 345; 46 N. E. 857; 37 L. R. A. 809; s. c. 153 N. Y. 664; 47 N. E. 273, rev'g 14 N. Y. App. Div. 483; 43 N. Y. Supp. 1035) 690, 698, 701, 702, 703, 704, 764, 817, 823
- Choate v. Buffalo** (39 N. Y. App. Div. 379; 57 N. Y. Supp. 383) 1566
- Choisser v. People** (140 Ill. 21; 29 N. E. 546) 1483
- Chope v. Eureka** (78 Cal. 588; 21 Pac. 364; 4 L. R. A. 325; 12 Am. St. Rep. 113) 3011
- Choquette v. Barada** (33 Mo. 249) 1597
- Chrigstrom v. McGregor** (74 Hun [N. Y.] 343; 26 N. Y. Supp. 517) 66
- Chrisman v. Brandes** (137 Iowa, 433; 112 N. W. 833) 1838
- **v. Brookhaven** (70 Miss. 477; 12 So. 458) 2382
- **v. Jackson** (84 Miss. 787; 37 So. 1015) 948
- Christ v. Polk County** (48 Iowa, 302) 733
- Christ Church v. Philadelphia County** (24 How. [U. S.] 300) 2448
- Christensen, Ex parte** 85 Cal. 208; 24 Pac. 747) 987, 1016, 1021
- **v. Fremont** (45 Neb. 160; 63 N. W. 364) 449
- Christian v. Eugene** (49 Oreg. 170; 89 Pac. 419) 1737, 1897
- **v. St. Louis** (127 Mo. 109; 29 S. W. 996) 1841, 1842
- Christie v. Bayonne** (64 N. J. L. 191; 44 Atl. 887) 291, 2796
- **v. Bergen County** (75 N. J. L. 49; 66 Atl. 1073) 2647
- **v. Malden** (23 W. Va. 667) 450, 475, 478, 504, 2768, 2783, 2784
- Christman v. Meierhoffer** (116 Mo. App. 46; 92 S. W. 141) 3029
- Christopher v. New York** (13 Barb. [N. Y.] 567) 1197, 2773
- Christ's Church v. Woodward** (26 Me. 172) 830
- Christy v. Elliott** (216 Ill. 31; 74 N. E. 1035; 1 L. R. A. N. S. 215; 108 Am. St. Rep. 196) 1086, 1087
- **v. Kingfisher** (13 Okla. 585; 76 Pac. 135) 785, 792, 808, 809, 811, 812
- Christy's Adm. v. St. Louis** (20 Mo. 143; 61 Am. Dec. 598) 2832
- Church, Matter of** (92 N. Y. 1) 269, 302, 310, 1662
- Church v. Cherryfield** (33 Me. 460) 2962, 2978
- **v. Milwaukee** (31 Wis. 512) 2931
- **v. People** (174 Ill. 366; 51 N. E. 747) 2630
- **v. People** (179 Ill. 205; 53 N. E. 554) 2551
- **v. Portland** (18 Oreg. 73; 22 Pac. 528; 6 L. R. A. 259) 1750
- Church of Ascension v. Buckhart** (3 Hill [N. Y.] 193) 2898
- Church of Holy Apostles v. New York Elev. R. Co.** (21 N. Y. App. Div. 47; 47 N. Y. Supp. 418) 2048
- Churchill v. Cummings Tp.** (51 Mich. 446; 16 N. W. 805) 629
- **v. Walker** (68 Ga. 681) 443, 2729
- Churchman v. Indianapolis** (110 Ind. 259; 11 N. E. 301) 2451, 2831
- Chytraus v. Chicago** (160 Ill. 18; 43 N. E. 335) 2453
- Cicero v. Chicago** (182 Ill. 301; 55 N. E. 351) 129, 143
- **v. Williamson** (91 Ind. 541) 620
- **& P. St. R. Co. v. Chicago** (176 Ill. 501; 52 N. E. 866) 2551, 2591
- Cicero Lumber Co. v. Cicero** (176 Ill. 9; 51 N. E. 758; 42 L. R. A. 696; 68 Am. St. Rep. 155) 935, 990, 1060, 1770, 1782, 1783, 1799, 1835, 1838, 1852, 2754
- Cincinnati v. Anderson** (6 Ohio C. D. 594) 1386
- **v. Bryson** (15 Ohio, 625; 45 Am. Dec. 593) 995, 998, 1004, 2400
- **v. Buckingham** (10 Ohio, 257) 957, 959, 998, 1073, 2400
- **v. Cameron** (33 Ohio St. 336) 181, 1193, 2134
- **v. Coombs** (16 Ohio, 181) 1646, 1650
- **v. Dexter** (55 Ohio St. 93; 44 N. E. 520) 202, 1583, 2129, 2147

[References are to pages]

- Cincinnati *v.* Evans (5 Ohio St. 594) 1891, 1897  
 — *v.* First Presbyterian Church (8 Ohio, 299; 32 Am. Dec. 718) 1891, 1897  
 — *v.* Fleischer (63 Ohio St. 229; 58 N. E. 568) 1876, 2961  
 — *v.* Frazer (18 Ohio Cir. Ct. R. 50) 2986, 3014  
 — *v.* Grebner (25 Ohio Cir. Ct. R. 700) 2967  
 — *v.* Guckenberger (60 Ohio St. 353; 54 N. E. 376) 1399, 1498  
 — *v.* Gwynne (10 Ohio, 192) 458, 944, 1133  
 — *v.* Johnson (28 Ohio Cir. Ct. 377, aff'd 76 Ohio St. 567; 81 N. E. 1182) 3057  
 — *v.* Manss (54 Ohio St. 257; 43 N. E. 687) 2605  
 — *v.* Miller (29 Weekly L. Bull. 364) 1055  
 — *v.* Morgan (3 Wall. [U. S.] 275) 1420, 1437  
 — *v.* Penny (21 Ohio St. 499; 8 Am. Rep. 73) 1815, 1825, 2930  
 — *v.* Rice (15 Ohio, 225) 1095  
 — *v.* Steinkamp (54 Ohio St. 284; 43 N. E. 490) 316, 1071  
 — *v.* Stone (5 Ohio St. 38) 3010, 3025, 3027  
 — *v.* Taft (63 Ohio St. 141; 58 N. E. 63) 574, 1410  
 — *v.* Trustees of Cincinnati Hospital (66 Ohio St. 440; 64 N. E. 420) 242, 317, 2376  
 — *v.* Walls (1 Ohio St. 222) 513  
 — *v.* White's Lessee (6 Pet. [U. S.] 431) 1690, 1693, 1695, 1704, 1708, 1713, 1723, 1727, 1795, 1825  
 Cincinnati & H. Elect. St. R. Co. *v.* Cincinnati, H. & I. R. Co. (12 Ohio Cir. Dec. 113, aff'd 64 Ohio St. 550; 61 N. E. 1147) 1983  
 Cincinnati & M. V. R. Co. *v.* Roseville (76 Ohio St. 108; 81 N. E. 178) 1706, 1714, 1724  
 Cincinnati & S. G. Av. St. R. Co. *v.* Cumminsville (14 Ohio St. 523) 1846, 1980, 2000, 2002  
 Cincinnati & Spr. R. Co. *v.* Longworth's Ex. (30 Ohio St. 108) 1683  
 Cincinnati College *v.* State (19 Ohio, 110) 2446  
 Cincinnati Gaslight & C. Co. *v.* Avondale (43 Ohio St. 257; 1 N. E. 527) 2243  
 Cincinnati, H. & D. R. Co. *v.* Bowling Green (57 Ohio St. 336; 49 N. E. 121) 2064, 2205  
 Cincinnati, H. & D. R. Co. *v.* Sullivan (32 Ohio St. 152) 2064  
 Cincinnati Inclined Plane R. Co. *v.* Suburban Tel. Assoc. (48 Ohio St. 390; 27 N. E. 890; 12 L. R. A. 534) 1927  
 Cincinnati Lessees *v.* Hamilton Co. Com'rs, etc. (7 Ohio, Pt. 1, 88) 1690, 1708  
 Cincinnati, L. & A. Elect St. R. Co. *v.* Lohr (68 Ohio St. 101; 67 N. E. 161; 67 L. R. A. 637) 2030  
 Cincinnati, L. & N. R. Co. *v.* Cincinnati (62 Ohio St. 465; 57 N. E. 229; 49 L. R. A. 566) 2516, 2531  
 Cincinnati Mut. Health Assoc. *v.* Rosenthal (55 Ill. 85; 8 Am. Rep. 626) 2354  
 Cincinnati, N. O. & T. P. R. Co. *v.* Baughman (116 Ky. 479; 76 S. W. 351) 590  
 — *v.* Interstate Commerce Com. (162 U. S. 184) 2260  
 Cincinnati, R. & M. R. Co. *v.* Miller (36 Ind. App. 26; 72 N. E. 827; 73 N. E. 1001) 1788, 1790, 1878  
 Cincinnati, S. & C. R. Co. *v.* Belle Centre (48 Ohio St. 273; 27 N. E. 464) 1612  
 Cincinnati Southern R. Trs. *v.* Haas (42 Ohio St. 39) 1658  
 Cincinnati St. R. Co. *v.* Horstman (72 Ohio St. 93; 73 N. E. 1075) 262  
 — *v.* Smith (29 Ohio St. 291) 918, 2764  
 Cincinnati, W. & M. R. Co. *v.* Wells (39 Ind. 539) 1384  
 Cincinnati, W. & N. R. Co. *v.* Anderson (139 Ind. 490; 38 N. E. 167; 47 Am. St. Rep. 285) 1614  
 Cincinnati, W. & Z. R. Co. *v.* Clinton County (1 Ohio St. 77) 128, 569  
 Circleville *v.* Neuding (41 Ohio St. 465) 3023, 3026  
 — *v.* Sohn (20 Ohio Cir. Ct. R. 368) 3016  
 Circleville Light & Power Co. *v.* Buckeye Gas Co. (69 Ohio St. 259; 69 N. E. 436) 2143  
 Cisco *v.* Roberts (36 N. Y. 292) 475  
 Citizens & Taxpayers *v.* Williams (49 La. An. 422; 21 So. 647; 37 L. R. A. 761) 655  
 Citizens' Bank *v.* Jennings (107 La. 547; 32 So. 66) 419  
 — *v.* Spencer (126 Iowa, 101; 101 N. W. 643) 354, 373, 1155, 1169, 1191, 1252, 1253  
 — *v.* Terrell (78 Tex. 450; 14 S. W. 1003) 385, 419, 426, 427, 1396  
 — *v.* Wright (6 Ohio St. 318) 320  
 Citizens' Coach Co. *v.* Camden Horse R. Co. (33 N. J. Eq. 267; 36 Am. Rep. 542) 1858, 2002

[References are to pages]

- Citizens' Gas & Mining Co. v. Elwood** (114 Ind. 332; 16 N. E. 624) 893, 930, 1847, 1918, 2752
- Citizens Gas & Oil Min. Co. v. Whipple** (32 Ind. App. 203; 69 N. E. 557) 2215
- Citizens' Gas Light Co. v. Louisville Gas Co.** (81 Ky. 263) 1921, 1993
- **v. Wakefield** (161 Mass. 432; 37 N. E. 444) 2184, 2189
- Citizens' Loan Assoc. v. Topeka** (20 Wall. [U. S.] 655) 2402
- Citizens' Mut. F. Co. v. Sortwell** (8 Allen [Mass.] 217) 871, 875
- Citizens' Nat. Bank v. Piollet** (126 Pa. 194; 17 Atl. 603; 4 L. R. A. 190; 12 Am. St. Rep. 860) 1393
- Citizens Sav. & Loan Assoc. v. Perry County** (156 U. S. 692) 1461, 1472, 1473, 1490, 1523
- Citizens' Saving & Loan Assoc. v. Topeka** (20 Wall. [U. S.] 655) 1364, 1479, 1481, 2312, 2313
- Citizens' Savings Bank v. Greenburgh** (173 N. Y. 215; 65 N. E. 978, rev'g 60 App. Div. 225; 70 N. Y. Supp. 68) 149, 303, 1400, 1401, 1429, 1481, 1535, 1538, 1540, 2367
- Citizens' Sav. Bank v. Owensboro** (173 U. S. 636) 2400, 2450
- Citizens State Bank v. Jess** (127 Iowa, 450; 103 N. W. 471) 1394, 2625
- Citizens' St. R. Co. v. Africa** (100 Tenn. 26; 42 S. W. 485) 1942
- **v. Ballard** (22 Ind. App. 151; 52 N. E. 729) 2972, 2999, 3000
- **v. City R. Co.** (64 Fed. Rep. 647, aff'd 166 U. S. 557) 1948
- **v. Jones** (34 Fed. Rep. 579) 1920, 1973, 1977
- Citizens' Water Co. v. Bridgeport Hydraulic Co.** (55 Conn. 1; 10 Atl. 170) 232, 1918, 1920, 1921
- City v. Alexander** (23 Mo. 483) 569
- **v. Ferry Co.** (27 Ind. 100) 519
- City and Suburban Ry. Co. v. Savannah** (77 Ga. 731; 4 Am. St. Rep. 106) 1093, 2082
- City Bank of Dallas v. Bogel** (51 Tex. 351) 2423
- City Cem. Assoc. v. Meninger** (14 Kan. 312) 1713
- City F. Ins. Co. of New York v. Corlies** (21 Wend. [N. Y.] 367; 34 Am. Dec. 258) 2848
- City Imp. Co. v. Broderick** (125 Cal. 139; 57 Pac. 776) 1197
- City Item Co-Op. Ptg. Co. v. New Orleans** (51 La. An. 713; 25 So. 313) 2768
- City Nat. Bank v. Goodloe-McClelland Com. Co.** (93 Mo. App. 123) 441
- City of London's Case** (8 How. State Trials, 1340 *et seq.*) 2738
- City R. Co. v. Citizens' St. R. Co.** (166 U. S. 557) 1985, 2149 2258
- **v. Citizens' St. R. Co.** ([Ind.], 52 N. E. 157) 1952, 1956, 1985
- City Street Imp. Co. v. Laird** (138 Cal. 27; 70 Pac. 916) 1220
- City Street Improvement Co. v. University of California** (153 Cal. 776; 96 Pac. 801; 18 L. R. A. n. s. 451) 2578
- City Trust & Surety Co. v. United States** (147 Fed. Rep. 155) 1271
- City Water Supply Co. v. Ottumwa** (120 Fed. Rep. 309) 367, 404
- Claffin v. Chicago** (178 Ill. 549; 53 N. E. 339) 898, 2453
- **v. Hopkinton** (4 Gray [Mass.] 502) 556, 2769
- Clagett v. Duluth Township** (143 Fed. Rep. 824) 1480
- Clague v. New Orleans** (13 La. An. 275) 2885
- Claiborne County v. Brooks** (111 U. S. 400) 92, 93, 94, 528, 529, 544, 581, 1332, 1333, 1343, 1350, 1375, 1405
- Claiborne Street, In re** (4 La. An. 7) 1644, 1646, 1653
- Clair v. Manchester** (72 N. H. 231; 55 Atl. 935) 3054
- Clamp, Matter of** (33 Misc. [N. Y.] 250; 68 N. Y. Supp. 345) 1146, 1214
- Clancy v. Byrne** (56 N. Y. 129; 15 Am. Rep. 391) 2988
- Clapp v. Cedar County** (5 Iowa, 15; 68 Am. Dec. 678) 1325
- **v. Hartford** (35 Conn. 66) 440, 1665, 2616, 2618
- **v. Marice City** (111 Fed. Rep. 103) 1380, 1461, 1499, 1502, 1503
- **v. Titus** (138 Mich. 41; 100 N. W. 1005) 1190, 1314
- **v. Walker** (25 Iowa, 315) 470, 471
- Clapper v. Strong** (90 N. Y. App. Div. 536; 85 N. Y. Supp. 748) 1274
- **v. Waterford** (131 N. Y. 382; 30 N. E. 240, rev'g 62 Hun [N. Y.] 170; 16 N. Y. Supp. 640) 765, 770
- Clarence v. Auburn** (66 N. Y. 334) 2840, 2923
- Clark v. Atlantic City** (180 Fed. Rep. 598) 2837, 2886
- **v. Barnard** (108 U. S. 436) 1962
- **v. Barrington** (41 N. H. 44) 2963, 2971



[References are to pages]

- Clark v. Boston (179 Mass. 409; 60 N. E. 793) 714
- v. Brookfield (81 Mo. 503; 51 Am. Rep. 243) 1562
- v. Brookfield (97 Mo. App. 16; 70 S. W. 934) 3019
- v. Campau (19 Mich. 325) 503
- v. Cape May (50 N. J. L. 558; 14 Atl. 581) 305, 306, 788
- v. Chicago (166 Ill. 84; 46 N. E. 730) 2426, 2548
- v. Chicago (214 Ill. 318; 73 N. E. 358) 2620
- v. Commonwealth (14 Bush [Ky.] 166) 1787, 1798, 1801, 1802
- v. Corinth (41 Vt. 449) 2963
- v. Cuckfield Union (11 Eng. Law & Eq. 442) 1177
- v. Dasso (34 Mich. 86) 773, 1096, 1097
- v. Davenport (14 Iowa, 494) 451, 453, 582, 2456, 2692
- v. Dayton (6 Neb. 192) 1197
- v. Des Moines (19 Iowa, 199) 530, 531, 544, 582, 1180, 1232, 1284, 1287, 1292, 1294, 1295, 1296, 1297, 1305, 1325, 1327, 1339, 1361, 1378, 1435, 1802, 1834
- v. Dist. of Columbia (3 Mackey, 79) 2966
- v. Dunkirk (12 Hun [N. Y.] 181, aff'd 75 N. Y. 612) 2619
- v. Easton (146 Mass. 43; 14 N. E. 795) 2873
- v. Elizabeth (32 N. J. L. 357) 2609
- v. Elizabeth (40 N. J. L. 172) 1718
- v. Elizabeth (61 N. J. L. 565; 40 Atl. 616) 904, 2925
- v. Fry (8 Ohio St. 358; 72 Am. Dec. 590) 1857, 3027
- v. Hallock (16 Wend. [N. Y.] 607) 774
- v. Interstate Independent Tel. Co. (72 Neb. 883; 101 N. W. 977) 2729, 2740, 2781
- v. Iowa City (20 Wall. [U. S.] 583) 1397, 1398
- v. Janesville (1 Biss. 98) 1545
- v. Janesville (10 Wis. 136) 346, 523, 570, 946, 1325
- v. Lewis (35 Ill. 417) 567, 960
- v. Lockport (49 Barb. [N. Y.] 580) 3018
- v. Louisville Water Co. (90 Ky. 515; 14 S. W. 502) 2435
- v. McCarthy (1 Cal. 453) 1848
- v. McCormick (174 Ill. 164; 51 N. E. 215) 1688, 1690, 1699, 1706, 1716, 1719, 1720, 1741, 1745
- v. Manchester (62 N. H. 577) 2817, 2861, 2904, 2913
- Clark v. Middletown-Goshen Traction Co. (10 N. Y. App. Div. 354; 41 N. Y. Supp. 1109; s. c. 16 N. Y. App. Div. 631; 44 N. Y. Supp. 1113) 2002, 2024
- v. Miller (54 N. Y. 528, aff'g 47 Barb. [N. Y.] 38) 767, 775, 777
- v. Mitchell (64 Mo. 564, 573) 1669
- v. Mobile School Com'rs (36 Ala. 621) 742
- v. Nash (198 U. S. 361) 1632
- v. New Brunswick (43 N. J. L. 118) 996, 2462
- v. New York (4 N. Y. 338; 53 Am. Dec. 379) 1260
- v. Nicholasville ([Ky.], 87 S. W. 300) 2861, 2888
- v. Norton (49 N. Y. 243) 774
- v. People (15 Ill. 213) 788, 2734
- v. Pittsburgh (217 Pa. 46; 66 Atl. 154) 1199, 1226
- v. Polk County (19 Iowa, 248) 530, 531, 543, 1180, 1292, 1295, 1296, 1299, 1339
- v. Portsmouth (68 N. H. 263; 44 Atl. 388) 732
- v. Pratt (47 Me. 55) 1598
- v. Providence (10 R. I. 437) 1719
- v. Providence (16 R. I. 337; 15 Atl. 763) 488
- v. Richmond (83 Va. 355; 5 S. E. 369; 5 Am. St. Rep. 281) 2913, 2963, 2976
- v. Rochester (24 Barb. [N. Y.] 446) 569
- v. Saline County (9 Neb. 516; 4 N. W. 246) 1549, 2823, 2824
- v. Saybrook (21 Conn. 313) 1675, 2927
- v. School Dist. (3 R. I. 199) 523
- v. Searing (70 N. J. L. 517; 57 Atl. 331) 2740
- v. Sheldon (106 N. Y. 104; 12 N. E. 341) 2781
- v. South Bend (85 Ind. 276; 44 Am. Rep. 13) 559, 922, 1105
- v. Sprague (113 N. Y. App. Div. 645; 99 N. Y. Supp. 304) 2434
- v. State (142 N. Y. 101; 36 N. E. 817) 209
- v. Syracuse (13 Barb. [N. Y.] 32) 1038, 1039, 1043, 2753
- v. Titusville (184 U. S. 329) 2472
- v. Union Ferry Co. (35 N. Y. 485; 91 Am. Dec. 66) 2904
- v. Utica (18 Barb. [N. Y.] 451) 1671
- v. Waltham (128 Mass. 567) 2891, 2892, 3032
- v. Washington (12 Wheat. [U. S.] 40) 462, 1172
- v. Wilmington (5 Harring. [Del.] 243) 3045, 3046

## TABLE OF CASES CITED

81

[References are to pages]

Clark's Case (2 Par. [Pa.] 521)	642	Clarksdale Ins. Agency v. Cole	(87 Miss. 637; 40 So. 228) 2382, 2470
Clark's Estate (195 Pa. 520; 46 Atl. 127)	247	Clason v. Milwaukee (30 Wis. 316)	925, 934, 942, 1139
Clark County v. Allegheny City (143 Fed. Rep. 644)	1200	Claussen v. Luverne (103 Minn. 491; 115 N. W. 643)	2838, 2845
— v. Lawrence (63 Ill. 32)	568	Clay v. Board (85 Mo. App. 237)	2874
Clarke v. Bank (10 Ark. 516; 52 Am. Dec. 248)	440	— v. County (4 Bush [Ky.] 154)	583
— v. Blackmar (47 N. Y. 150)	1970, 1972	— v. Grand Rapids (60 Mich. 451; 27 N. W. 596)	2612
— v. Chicago (185 Ill. 354; 57 N. E. 15)	2608	— v. Nicholas County (4 Bush [Ky.] 154)	1535
— v. Dutcher (9 Cow. [N. Y.] 674)	2828, 2829, 2834, 2835	— v. St. Albans (43 W. Va. 539; 27 S. E. 368; 64 Am. St. Rep. 883)	3055
— v. Farmer's, &c. Co. (15 Wend. [N. Y.] 256)	631	Clayards v. Dethick (12 Q. B. 439)	3018
— v. Hancock County (27 Ill. 305)	584, 634	Claybrook v. Rockingham County (117 N. Car. 456; 23 S. E. 360)	1385
— v. Imperial Gas Co. (4 B. & Ad. 315)	572	Clayburgh v. Chicago (25 Ill. 535; 79 Am. Dec. 346)	2903, 2936
— v. Jack (60 Ala. 271, 278)	334	Clay Center v. Clay Center Light & P. Co. (78 Kan. 390; 97 Pac. 377)	2152, 2156, 2187
— v. Jersey City (42 N. J. L. 94)	2679	Clay City v. Abner ([Ky.], 82 S. W. 276)	2998
— v. Leicester & N. Canal Co. (6 Q. B. 898)	2708	Clay County v. Brown Lumber Co. ([Ark.], 119 S. W. 251)	2372
— v. Lyon Co. (8 Nev. 181)	1190, 1243, 1245	— v. Chickasaw County 64 Miss. 534; 1 So. 753)	1318
— v. Newport (5 R. I. 333)	1653	— v. McAleer (115 U. S. 616)	2456, 2681
— v. Northampton (120 Fed. Rep. 661)	1531	— v. Simonsen (1 Dak. Ter. 403; 46 N. W. 592, aff'd 2 Dak. Ter. 112; 2 N. W. 260)	763, 765
— v. Police, &c. Ins. Board (123 Cal. 24; 55 Pac. 576)	755	— v. Society for Savings (104 U. S. 579)	1461, 1531
— v. Police Life & Health Ins. Board (127 Cal. 550; 59 Pac. 994)	757	Clay County School Dist. v. Neil (36 Kan. 617; 14 Pac. 253)	1035
— v. Potter County (1 Barr [Pa.] 163)	610	Clayman v. New York (117 N. Y. App. Div. 565; 102 N. Y. Supp. 661)	2883
— v. Reeves County (25 Tex. Civ. App. 463; 61 S. W. 981)	324	Clayton v. Brooks (150 Ill. 97; 87 N. E. 574)	3001
— v. Reis (87 Cal. 543; 25 Pac. 759)	755, 756	— v. Gilmer County Court (58 W. Va. 253; 52 S. E. 103; 2 L. R. A. n. s. 598)	1664, 1807
— v. Rochester (28 N. Y. 605)	128	— v. Heidelberg (17 Miss. 623)	2799, 2800
— v. Rochester (5 Abb. Pr. 107)	590	— v. Henderson (103 Ky. 228; 44 S. W. 667; 44 L. R. A. 474)	2868, 2876, 2898
— v. Rochester (24 Barb. [N. Y.] 446)	96, 135	Clear Creek Water Co. v. Gladeville Imp. Co. (107 Va. 278; 58 S. E. 586)	1620
— v. Rogers (81 Ky. 43)	126	Clear Lake W. W. Co. v. Lake County (45 Cal. 90)	2851
— v. School District No. 7 (3 R. I. 199)	1293, 1328, 1347	Clearwater, The (75 Fed. Rep. 309)	506
— v. School Dist. No. 16 (84 Ark. 516; 106 S. W. 677)	1298, 1888	Clearwater v. Bowman (72 Kan. 92; 82 Pac. 526)	987, 1113
— v. Tucket (2 Vent. 182)	987, 2483	Cleary v. Trenton (50 N. J. L. 331; 13 Atl. 228)	788
Clarke's Case (5 Co. 64)	961	Cleaves v. Jordan (34 Me. 9)	1768
Clarke County v. Paris, W. & Ky. R. Turnp. Co. (11 B. Mon. [Ky.] 143)	1513, 2722		
— v. State (61 Ind. 75)	2719		
Clarksburg Elect. Lt. Co. v. Clarksburg (47 W. Va. 739; 35 S. E. 994; 50 L. R. A. 142)	1917		
Clarksdale v. Pacific Imp. Co. (81 Fed. Rep. 329)	397, 1491		
Clarksdale Compress Co. v. Caldwell Co. (80 Miss. 343; 31 So. 790)	469		



[References are to pages]

- Cleburne v. Gulf, Colorado & S. F. R. Co.* (66 Tex. 457; 1 S. W. 342) 1364
- Clee v. Trenton* (108 Mich. 293; 66 N. W. 48) 2787
- Clegg v. Richardson Co.* (8 Neb. 178) 131
- Cleghorn v. Postlewaite* (43 Ill. 428) 2607
- Clemence v. Auburn* (66 N. Y. 334) 2993, 3054
- Clemens v. Clemens* (37 N. Y. 59, aff'g 60 Barb. 366) 1575
- *v. Connecticut Mutual Life Ins. Co.* (184 Mo. 46; 82 S. W. 1; 67 L. R. A. 362; 105 Am. St. Rep. 526) 1663
- Clement v. Burns* (43 N. H. 609, 621) 487
- *v. Everest* (29 Mich. 19) 121, 122
- *v. Graham* (78 Vt. 290; 63 Atl. 146) 2645, 2673
- Clements v. Casper* (4 Wyo. 494; 35 Pac. 472) 931, 2326, 2476
- *v. West Troy* (16 Barb. [N. Y.] 251) 1740
- Clendenin v. Maryland Const. Co.* (86 Md. 80; 37 Atl. 709) 1717, 1720, 1742, 1743, 1745
- Cleneay v. Norwood* (137 Fed. Rep. 962) 2367
- Clerk v. Janesville* (10 Wis. 136) 644
- *v. Tucket* (3 Lev. 281) 956, 962
- Clerk's Case* (2 Cro. 506) 798
- Cleu v. San Francisco Police Com'rs* (3 Cal. App. 174; 84 Pac. 672) 801
- Cleveland, In re* (51 N. J. L. 311; 17 Atl. 772) 149
- (51 N. J. L. 319; 18 Atl. 67) 291
- (52 N. J. Law, 188; 19 Atl. 17; 7 L. R. A. 431) 127, 259, 261, 278
- Cleveland v. Citizens' Gasl. Co.* (20 N. J. Eq. 203) 1039
- *v. Clements Bros. Const. Co.* (67 Ohio St. 197; 65 N. E. 885; 59 L. R. A. 775; 93 Am. St. Rep. 670) 182, 210, 1216, 1219
- *v. Cleveland, C., C. & St. L. R. Co.* (93 Fed. Rep. 113) 1792
- *v. Cleveland City R. Co.* (194 U. S. 517) 991, 2149, 2754
- *v. Cleveland Elect. R. Co.* (201 U. S. 529) 2149, 2150, 2152
- *v. Jersey City* (38 N. J. Law, 629) 232
- *v. Jersey City* (39 N. J. L. 629) 2651, 2722
- *v. King* (132 U. S. 295; s. c. 28 Fed. Rep. 835) 2857, 2992, 2993, 3012, 3016, 3024
- Cleveland v. St. Paul* (18 Minn. 279) 2993, 3013
- *v. Spartanburg* (54 S. Car. 83; 31 S. E. 871) 644, 1377, 1386
- *v. Tripp* (13 R. I. 50) 2362, 2636
- *v. United States* (111 Fed. Rep. 341) 2650, 2681, 2683
- *v. United States* (127 Fed. Rep. 667) 2683
- *v. United States* (166 Fed. Rep. 677) 2683, 2692, 2706
- *v. Wick* (18 Ohio St. 303) 1665, 1667, 2494, 2516, 2518, 2531
- Cleveland & P. R. Co. v. Ball* (5 Ohio St. 568) 1682
- Cleveland, C., C. & I. R. Co. v. Harrington* (131 Ind. 426; 30 N. E. 37) 943, 1090, 1091
- Cleveland, C., C. & St. L. R. Co. v. Backus* (154 U. S. 439; 18 L. R. A. 729) 2334, 2340, 2341
- *v. Dunn* (61 Ill. App. 227) 121, 621, 623
- *v. Jones Co.* (20 Ind. App. 87; 50 N. E. 319) 1393, 2451
- *v. Porter* (210 U. S. 177; aff'g 38 Ind. App. 226; 74 N. E. 260; 76 N. E. 179) 2316, 2535
- *v. Randle* (183 Ill. 364; 55 N. E. 728) 318, 319
- *v. Tartt* (64 Fed. Rep. 823) 948
- Cleveland City R. Co. v. Cleveland* (94 Fed. Rep. 385) 920, 991, 2227, 2257, 2259, 2750
- Cleveland Cotton Mills v. Cleveland County Com'rs* (108 N. Car. 678; 13 S. E. 271) 659, 825, 846
- Cleveland County v. Seawell* (3 Okla. 281; 41 Pac. 592) 1287
- Cleveland Gaslight & Coke Co. v. Cleveland* (71 Fed. Rep. 610) 2149, 2226, 2232, 2248, 2257
- Cleveland Nat. Bank v. Iola* (9 Kan. 689) 1365
- Cleveland, P. & A. R. Co. v. Pennsylvania* (15 Wall. [U. S.] 300) 2319
- Cleveland School Furn. Co. v. Greenville* (146 Ala. 559; 41 So. 862) 449, 1340, 2811
- Clifton v. Cook* (7 Ala. 114) 643, 644
- *v. Schneider* (106 Ky. 605; 51 S. W. 13) 2626
- *v. Weston* (54 W. Va. 250; 46 S. E. 360) 1895
- Clifton Forge v. Alleghany Bank* (92 Va. 283; 23 S. E. 284) 1481
- *v. Brush El. Co.* (92 Va. 289; 23 S. E. 288) 1350, 1481
- Cline v. Cornwall* (21 Grant [Can.] 129) 1857, 1859, 1868
- *v. Seattle* (13 Wash. 444; 43 Pac. 367) 2637

## TABLE OF CASES CITED

83

[References are to pages]

- Clinton *v.* Cedar Rapids & M. R. Co. (24 Iowa, 455; s. c. 24 Iowa, 482) 1699, 1771, 1782, 1943, 1960, 1971, 1979, 1991, 2010  
 — *v.* Franklin (119 Ky. 143; 82 S. W. 140) 1663  
 — *v.* Henry County (115 Mo. 557; 22 S. W. 494; 37 Am. St. Rep. 415) 2577, 2578, 2595  
 — *v.* Howard (42 Conn. 294) 2970  
 — *v.* Phillips (58 Ill. 102; 11 Am. Rep. 52) 925  
 — *v.* Portland (26 Oreg. 410; 38 Pac. 407) 2453, 2454  
 — *v.* Railroad Co. (24 Iowa, 455) 143, 196  
 — *v.* Strong (9 Johns. [N. Y.] 370) 2828  
 — *v.* Walliker (98 Iowa, 655; 68 N. W. 431) 232, 233, 368, 2636  
 — *v.* Worcester Consol. St. R. Co. (199 Mass. 279; 85 N. E. 507) 1953, 1954, 1955, 1958  
 Clinton Ave., Matter of (57 N. Y. App. Div. 166; 68 N. Y. Supp. 196, aff'd 167 N. Y. 624; 60 N. E. 1108) 1640, 1819  
 Clinton County *v.* Tatman (13 Ill. 30) 185  
 Clintonville *v.* Keating (4 Denio [N. Y.] 341) 447, 1012, 1014, 1016  
 Cloherty, *In re* (2 Wash. 137; 27 Pac. 1064) 114, 117, 118  
 Cloney *v.* Kalamazoo (124 Mich. 655; 83 N. W. 618) 2999  
 Cloonan *v.* Kingston (37 N. Y. Misc. 322; 75 N. Y. Supp. 425) 674  
 Close *v.* Burlington, C. R. & N. Ry. Co. (64 Iowa, 149; 19 N. W. 886) 1562  
 — *v.* Witbeck (126 N. Y. App. Div. 544; 110 N. Y. Supp. 717) 1880  
 Closson *v.* Trenton (48 N. J. L. 438; 5 Atl. 323) 282  
 Clothier *v.* Philadelphia (22 Pa. Super. Ct. 608) 1866  
 — *v.* Webster (12 C. B. N. s. 790) 3054  
 Cloud *v.* Lawrence (12 Wash. 163; 40 Pac. 741) 1285  
 — *v.* Sumas (9 Wash. 399; 37 Pac. 305) 1292, 1303, 1316  
 Clough *v.* Hart (8 Kan. 487) 1245, 1246  
 — *v.* Unity (18 N. H. 75) 1651  
 Cloughessey *v.* Waterbury (51 Conn. 405; 50 Am. Rep. 38) 2967  
 Cluggish *v.* Koons (15 Ind. App. 599; 43 N. E. 158) 2604  
 Clyde S. S. Co. *v.* Charleston (76 Fed. Rep. 46) 2331, 2355  
 Clymer *v.* Roberts (220 Pa. 162; 69 Atl. 548) 1791  
 Coakley *v.* Boston & M. R. Co. (159 Mass. 32; 33 N. E. 930) 1837  
 Coal-Float *v.* Jeffersonville (112 Ind. 15; 13 N. E. 115) 514, 515, 921, 943, 994  
 Coar *v.* Jersey City (35 N. J. L. 404) 2609  
 Coast Co. *v.* Spring Lake (56 N. J. Eq. 615; 36 Atl. 21; 51 L. R. A. 657) 123, 2747  
 Coast Line R. Co. *v.* Cohen (50 Ga. 451) 1789, 1980  
 — *v.* Savannah (30 Fed. Rep. 646) 2080  
 Coates *v.* Campbell (37 Minn. 498; 35 N. W. 366) 579  
 — *v.* Canaan (51 Vt. 131) 2965, 2975, 3018  
 — *v.* Dubuque (68 Iowa, 550; 27 N. W. 750) 1820, 2920  
 — *v.* New York (7 Cow. [N. Y.] 585) 556, 558, 975, 982, 1032, 1033  
 Coatsville Gas Co. *v.* Chester County (97 Pa. 476) 320, 2590  
 Coatsworth *v.* Lehigh Val. R. Co. (156 N. Y. 451; 51 N. E. 301, aff'g 24 N. Y. App. Div. 273; 48 N. Y. Supp. 511) 1795  
 — *v.* Lehigh Val. R. Co. (115 N. Y. App. Div. 7; 100 N. Y. Supp. 504) 1806  
 Cobb *v.* Bord (40 Minn. 479; 42 N. W. 396) 297  
 — *v.* Boston (112 Mass. 181) 556  
 — *v.* Dalton (53 Ga. 426) 2837  
 — *v.* Kingman (15 Mass. 197) 627  
 — *v.* Lincoln Park (202 Ill. 427; 67 N. E. 5; 63 L. R. A. 264; 95 Am. St. Rep. 258) 493, 498, 503  
 — *v.* Portland (55 Me. 381; 92 Am. Dec. 598) 176, 2885  
 — *v.* Ramsdell (37 N. Y. State Rep. 457; 14 N. Y. Supp. 93) 2779  
 — *v.* Standish (14 Me. 198) 2971, 3000, 3013  
 Cobbett *v.* Slowman (9 Excheq. 633) 1129  
 Coburn *v.* Bossert (13 Ind. App. 359; 40 N. E. 281) 1640, 1815  
 — *v.* Ellenwood (4 N. H. 99) 1598  
 — *v.* Litchfield (132 Mass. 449) 2454  
 — *v.* New Tel. Co. (156 Ind. 90; 59 N. E. 324; 52 L. R. A. 671) 1930, 1931, 2071  
 Coca Cola Co. *v.* Skillman (91 Miss. 677; 44 So. 985) 2382  
 Cochran *v.* Collins (29 Cal. 129) 2628  
 — *v.* Los Angeles County (117 Cal. 534; 49 Pac. 457) 2394  
 — *v.* McCleary (22 Iowa, 75) 653, 670, 819, 836, 838, 839, 842, 2668, 2728, 2729, 2730, 2751

## TABLE OF CASES CITED

[References are to pages]

- Cochran *v.* Park Ridge (138 Ill. 295; 27 N. E. 939) 1627, 1816  
 — *v.* Preston (108 Md. 220; 70 Atl. 113; 23 L. R. A. N. s. 1163) 1997  
 — *v.* Purser (152 Ala. 354; 44 So. 579) 1710  
 — *v.* Shepherdsville ([Ky.], 43 S. W. 250) 1727  
 Cochrane *v.* Frostburg (81 Md. 54; 31 Atl. 703; 27 L. R. A. 728; 48 Am. St. Rep. 479) 929, 2842  
 — *v.* Malden (152 Mass. 365; 25 N. E. 620) 3050  
 Cockburn *v.* Bank (13 La. An. 289) 887  
 Cocke *v.* Gooch (5 Heisk. [Tenn.] 294) 660  
 — *v.* Halsey (16 Pet. [U. S.] 71) 720  
 — *v.* Texas & N. O. R. Co. (46 Tex. Civ. App. 363; 103 S. W. 407) 1900  
 Codd *v.* Cabe (L. R. 1 Ex. Div. 352) 676  
 Codding *v.* Mansfield (7 Gray [Mass.] 272) 552  
 Codlin *v.* Kohlhousen (9 N. Mex. 565; 58 Pac. 499) 257  
 Cody *v.* Cicero (203 Ill. 322; 67 N. E. 859) 2480  
 — *v.* Murphey (89 Cal. 522; 26 Pac. 1081) 257, 271, 324  
 Coe *v.* Caledonia & M. R. Co. (27 Minn. 197; 6 N. W. 621) 1534  
 — *v.* Cedar Rapids (120 Iowa, 541; 95 N. W. 267) 1688  
 — *v.* Columbus, P. & I. R. Co. (10 Ohio St. 372; 75 Am. Dec. 518) 2424  
 — *v.* Errol (116 U. S. 517) 2334, 2335  
 — *v.* Gregory (53 Mich. 19; 18 N. W. 541) 121  
 — *v.* New Jersey M. R. Co. (30 N. J. Eq. 440) 2221  
 — *v.* Wise (5 B. & S. 440) 2906  
 — *v.* Wise (7 B. & S. 831) 3054  
 — *v.* Wise (L. R. 1 Q. B. 711) 516  
 Cofer *v.* Commonwealth ([Ky.], 87 S. W. 264) 1017  
 Coffee County Com'rs Court *v.* Moore (53 Ala. 25) 1294, 1297  
 Coffeen *v.* Lang (67 Ill. App. 359) 3001  
 Coffey *v.* Carthage (186 Mo. 573; 85 S. W. 532) 2973, 3000  
 — *v.* Superior Court (147 Cal. 525, 529; 82 Pac. 75) 786, 800  
 Coffeyville Mining & Gas Co. *v.* Citizens' Nat. Gas. & Mining Co. (55 Kan. 173; 40 Pac. 326) 1992  
 Coffin *v.* Board of Education (114 Mich. 342; 72 N. W. 156) 2651  
 — *v.* Field (7 Cush. [Mass.] 355) 567  
 Coffin *v.* Indianapolis (59 Fed. Rep. 221, 227) 382, 525, 1335, 1345, 1362, 1498  
 — *v.* Kearney County (57 Fed. Rep. 137) 1335, 1462, 1481  
 — *v.* Kearney County (114 Fed. Rep. 518) 403, 1294, 1309  
 — *v.* Nantucket (5 Cush. [Mass.] 269) 462, 847, 2848  
 — *v.* Plymouth (49 N. H. 173) 765  
 — *v.* Portland (11 Saw. C. C. R. 600; 27 Fed. Rep. 412) 479, 1694, 1702, 1738, 1757, 1762  
 — *v.* Portland (43 Fed. Rep. 411) 873  
 — *v.* Portland (16 Oreg. 77; 17 Pac. 580) 1562  
 — *v.* Richards (6 Idaho, 741; 59 Pac. 562) 1380  
 — *v.* State (7 Ind. 157) 728  
 Coffman *v.* St. Francis Drainage Dist. (83 Ark. 54; 103 N. W. 179) 2374  
 Cofran *v.* Cockran (5 N. H. 458) 1598  
 Coggeshall *v.* Des Moines (78 Iowa, 235; 41 N. W. 617; 42 N. W. 650) 1212, 1213, 2452, 2602  
 — *v.* Pelton (7 Johns. [N. Y.] Ch. 292; 11 Am. Dec. 471) 1568, 1576, 1579  
 Coggsell *v.* Lexington (4 Cush. [Mass.] 307) 2962, 2973, 2978  
 Coghlan *v.* Ottawa (1 App. [Can.] R. 54) 3051  
 Cogswell *v.* New York, N. H. & H. R. Co. (103 N. Y. 10; 8 N. E. 537; 57 Am. Rep. 701) 1052, 1754, 2923  
 Cohen *v.* Alameda (124 Cal. 504; 57 Pac. 377) 2454  
 — *v.* Cleveland (43 Ohio, 190; 1 N. E. 589) 2930  
 — *v.* Goldsboro (77 N. Car. 2) 990  
 — *v.* La Canada Land & Water Co. (142 Cal. 437; 76 Pac. 47) 2308  
 — *v.* New York (113 N. Y. 532; 21 N. E. 700; 10 Am. St. Rep. 506) 1861, 2844, 2872, 2970, 2983  
 — *v.* Wigfall (8 Rich. Law [S. Car.] 237) 636  
 Cohens *v.* Virginia (6 Wheat. [U. S.] 264) 2256  
 Cohn, *Ex parte* (13 Nev. 424) 2353, 2354, 2470, 2473  
 — *v.* Parcels (72 Cal. 367; 14 Pac. 26) 1754  
 — *v.* Wausau Boom Co. (47 Wis. 314; 2 N. W. 546) 489  
 Cohoes *v.* Delaware & H. Canal Co. (134 N. Y. 397; 31 N. E. 887) 1697, 1725, 1745, 1897  
 Coit *v.* Grand Rapids (115 Mich. 493; 73 N. W. 811) 2405

# TABLE OF CASES CITED

85

[References are to pages]

Coit v. State (28 Ark. 417)	799	Cole v. Newburyport (129 Mass. 594; 37 Am. Rep. 394)	2884, 2979
— v. Sutton (102 Mich. 324; 60 N. W. 690; 25 L. R. A. 819)	2327	— v. People (161 Ill. 16; 43 N. E. 607)	1261
Coite v. Society for Sav. (32 Conn. 173)	2311	— v. St. Louis (132 Mo. 633; 34 S. W. 469)	2926
Coker v. Atlanta, K. & N. R. Co. (123 Ga. 483; 51 S. E. 481)	1190, 1835, 1837, 1844, 1990	— v. Shreveport (41 La. An. 839; 6 So. 688)	1252
— v. Birge (10 Ga. 336)	1038	— v. State (102 N. Y. 48; 6 N. E. 277)	222
Colbeck v. Brantford (21 Up. Can. Q. B. 276)	2952, 2979, 3015	Colegrove v. Breed (2 Denio [N. Y.] 125)	763
Colbourn v. Wilmington (4 Pen. [Del.] 443; 56 Atl. 605)	2998, 2999, 3001	Colegrove Water Co. v. Hollywood (151 Cal. 425; 90 Pac. 1053; 13 L. R. A. n. s. 904)	1869
Colburn v. Chattanooga ([Tenn.], 17 Am. L. Rep. n. s. 191)	1297, 2772	Coleman, <i>In re</i> (131 Fed. Rep. 151)	2659
— v. Chattanooga (2 Shannon's Cases [Tenn.] 22)	2781	— v. Broad River Tp. (50 S. Car. 321; 27 S. E. 774)	571, 1526
— v. Chattanooga Western R. Co. (94 Tenn. 43; 28 S. W. 298)	1343	— v. Chester (14 S. C. 286)	2849
— v. McDonald (72 Neb. 431; 100 N. W. 961)	403, 1531	— v. Elgin (45 Ill. App. 64)	731, 735
Colby v. Beaver Dam (34 Wis. 285)	2975	— v. Glenn (103 Ga. 458; 30 S. E. 297)	792
— v. Coates (6 Cush. [Mass.] 559)	742	— v. Neal (8 Ga. 560)	2676
Colby University v. Canandaigua (96 Fed. Rep. 449)	2191	— v. New Kensington (140 Fed. Rep. 684)	368, 401, 1293, 1295
Colchester v. Brooke (7 Q. B. 383)	497, 588, 590, 593, 605	— v. Price ([Tex. Civ. App.], 117 S. W. 905)	2900
— v. Godwin (Carter, 121)	987	— v. San Rafael Turnpike Co. (49 Cal. 517)	1557
— v. Lawton (1 Vesey & B. 226)	1583	— v. Second Ave. R. Co. (38 N. Y. 201)	1977
— v. Seaber (3 Burr. 1866) 588, 590, 593, 594, 605, 611		— v. Thurmond (56 Tex. 514)	1900
Colclough v. Milwaukee (92 Wis. 182; 65 N. W. 1039)	1835, 2928, 2931	Coler v. Cleburne (131 U. S. 162)	878, 911, 1355, 1371, 1372, 1477, 1478
Cold Springs, &c. v. Tolland (9 Cush. [Mass.] 492)	613, 614	— v. Dwight School Tp. (3 N. Dak. 249; 55 N. W. 587; 28 L. R. A. 649)	1369, 1464
Coldwater v. Tucker (36 Mich. 474; 24 Am. Rep. 601)	611, 613, 1154, 1627, 1816, 3057	— v. Rhoda School Tp. (6 S. Dak. 640; 63 N. W. 158)	1464
Cole v. Black River Falls (57 Wis. 110; 14 N. W. 906)	174, 175, 2733	— v. Santa Fe County (6 N. Mex. 88; 27 Pac. 619)	1351, 1396, 1398, 1454, 1464, 1467
— v. Boston (181 Mass. 374; 63 N. E. 1061)	1684	— v. Sterling (15 S. Dak. 415; 89 N. W. 1022)	1286, 1288, 1314
— v. Drew (44 Vt. 49)	1818	Coles v. Blythe (69 N. J. L. 666; 55 Atl. 816)	2797
— v. Fire Engine Co. (12 R. I. 202)	63, 127	— v. Madison County (1 Ill. 115; 12 Am. Dec. 161)	144, 152
— v. Gilford (63 N. H. 60)	2861	— v. Williamsburg Trs. (10 Wend. [N. Y.] 658)	827, 850 875
— v. Green (25 Ill. 104)	1586	Coles County v. Allison (23 Ill. 383)	642, 863, 984
— v. Hall (103 Ill. 30)	1100, 1102	— v. Goehring (209 Ill. 142; 70 N. E. 610)	354, 355, 423, 424, 426, 1288, 1309, 1319
— v. Hanchett (13 Ill. 615)	2770	Coley v. Statesville (121 N. Car. 301; 28 S. E. 482)	2884
— v. Kegler (64 Iowa, 59; 19 N. W. 843)	1038	Colfax Highway Com'rs v. East Lake Fork Drainage Com'rs (127 Ill. 581; 21 N. E. 206)	2578
— v. La Grange (113 U. S. 1)	1605, 1631, 2312, 2313	Collector v. Day (11 Wall. [U. S.] 113)	2436
— v. Medina (27 Barb. [N. Y.] 218)	2838		
— v. Muscatine (14 Iowa, 296)	2927, 2933, 2936		
— v. Nashville (4 Sneed [Tenn.] 162)	2843, 2873		

## TABLE OF CASES CITED

[References are to pages]

- Collector *v.* Hubbard (12 Wall. [U. S.] 1) 1188, 2826, 2836
- College *v.* Cedar Rapids (120 Iowa, 541; 95 N. W. 267) 441
- College St., Matter of (8 R. I. 474) 2573
- Collett *v.* New York (51 N. Y. App. Div. 394; 64 N. Y. Supp. 693) 2975
- Colley *v.* Westbrook (57 Me. 181) 3021
- Collier *v.* Ft. Smith (73 Ark. 447; 84 S. W. 480; 68 L. R. A. 237) 2976
- Collier's Estate *v.* Western Pav. & Supply Co. (180 Mo. 362; 79 S. W. 947) 1706, 2529, 2605
- Collings *v.* Camden (27 N. J. Eq. 293) 2790
- Collins *v.* Amsterdam St. R. Co. (76 N. Y. App. Div. 249; 78 N. Y. Supp. 470) 1943
- *v.* Ashville Land Co. (128 N. Car. 563; 39 S. E. 21; 83 Am. St. Rep. 720) 1716, 1720
- *v.* Benbury (3 Iredell, [N. Car.] 277; 38 Am. Dec. 722) 488
- *v.* Council Bluffs (32 Iowa, 324; 7 Am. Rep. 200) 2968, 3004, 3005
- *v.* Crittenden ([Ky.], 70 S. W. 183) 620
- *v.* Davis (57 Iowa, 256; 10 N. W. 643) 2793
- *v.* Dorchester (6 Cush. [Mass.] 396) 889, 2978
- *v.* Grand Rapids (108 Mich. 675; 66 N. W. 586) 2596, 2598
- *v.* Hatch (18 Ohio, 523; 51 Am. Dec. 465) 453, 922, 926, 944
- *v.* Hawkins (77 Ark. 101; 91 S. W. 26) 2656
- *v.* Holyoke (146 Mass. 298; 15 N. E. 908) 869, 901
- *v.* Howard (65 N. H. 190; 18 Atl. 794) 1897
- *v.* Janesville (107 Wis. 436; 83 N. W. 695) 3002
- *v.* Janesville (111 Wis. 348; 87 N. W. 241, 1087) 3000, 3002
- *v.* Keokuk (91 Iowa, 293; 59 N. W. 200) 3044
- *v.* Keokuk (118 Iowa, 30; 91 N. W. 791) 2366
- *v.* Louisville (2 B. Mon. [Ky.] 134) 995, 1080, 2451, 2400
- *v.* Macon (69 Ga. 542) 1709, 1710, 2869
- *v.* New Albany (59 Ind. 396) 615
- *v.* New York Post Graduate Medical School (59 N. Y. App. Div. 63; 69 N. Y. Supp. 106) 2897
- *v.* Philadelphia (93 Pa. 272) 3038, 3050
- Collins *v.* Russell (107 Ga. 423; 33 S. E. 444) 728
- *v.* Saratoga Springs (70 Hun [N. Y.] 583; 24 N. Y. Supp. 234, aff'd 140 N. Y. 637; 35 N. E. 892) 671, 1245
- *v.* Savannah (75 Ga. 745) 2842
- *v.* Savannah (77 Ga. 745) 1627, 2838
- *v.* Schmidt (11 Ohio Dec. 103) 2985
- *v.* State (8 Ind. 344) 721
- *v.* Swindle (6 Grant, Canada, 282) 1150
- *v.* Welch (58 Iowa, 72; 12 N. W. 121; 43 Am. Rep. 111) 1239
- Collinsville *v.* Scanland (58 Ill. 221) 1100
- Collopy *v.* Cloherty (95 Ky. 330; 25 S. W. 497) 665
- Coloma *v.* Eaves (92 U. S. 484) 1420, 1422, 1423, 1431, 1438, 1449, 1461, 1466, 1467, 1471, 1473, 1479
- Colonial City Traction Co. *v.* Kingston City R. Co. (153 N. Y. 540; 47 N. E. 810, aff'g 15 N. Y. App. Div. 195; 44 N. Y. Supp. 732) 1942, 1944, 1963, 1968
- Colorado City *v.* Townsend (9 Colo. App. 249; 47 Pac. 663) 2295
- Colorado Co. *v.* Pueblo County (95 U. S. 259) 2322
- Colorado Pav. Co. *v.* Murphy (78 Fed. Rep. 28; 37 L. R. A. 630) 771, 1224
- Colorado Springs *v.* Colorado City (42 Colo. 75; 94 Pac. 316) 2124
- *v.* Neville (42 Colo. 219; 93 Pac. 1096) 2814, 2817
- Colton *v.* Hanchett (13 Ill. 615) 458, 1802, 1834, 2770
- *v.* Price (50 Ala. 424) 744
- *v.* Rossi (9 Cal. 595) 1663
- Columbia *v.* Beasly (1 Humph. [Tenn.] 232) 925, 929, 997, 2400, 2457
- *v.* Bright (179 Mo. 441; 79 S. W. 151) 1899
- *v.* Duke (2 Strob. [S. Car.] 530) 1095
- *v.* Harrison (2 Const. R. [S. Car.] 213) 975, 983
- *v.* Hunt (5 Rich. [S. Car.] 550) 953, 2399, 2400
- Columbia & P. S. R. Co. *v.* Seattle (6 Wash. 332; 33 Pac. 824; 34 Pac. 725) 1804
- *v.* Seattle (33 Wash. 513; 74 Pac. 670) 1709
- Columbia Ave. Savings Fund, etc. Co. *v.* Dawson (130 Fed. Rep. 152) 362, 364, 2167, 2175, 2182



## TABLE OF CASES CITED

87

[References are to pages]

- Columbia Brick Co. v. Dist. of Columbia* (1 App. D. C. 351) 1271
- Columbia Bridge Co. v. Kline* (Bright. [Pa.] 320) 1569
- Columbia County v. Bryson* (13 Fla. 281) 2724, 2765
- Columbia County v. King* (13 Fla. 451) 1405, 2674, 2687, 2702, 2711, 2715
- Columbia Del. Bridge Co. v. Geisse* (35 N. J. L. 558) 1611
- Columbia Ins. Co. v. Wheelright* (7 Wheat. [U. S.] 534) 2726
- Columbia Water Works Co. v. Columbia* (46 Kans. 666; 26 Pac. 1046) 2115
- Columbus v. Agler* (44 Ohio St. 485; 8 N. E. 302) 1846, 2601
- *v. Anglin* (120 Ga. 785; 48 S. E. 318) 2984, 2987, 2998
- *v. Arnold* (30 Ga. 517) 982
- *v. Barr* (27 Ohio Cir. Cts. 264) 947
- *v. Columbus Gas Co.* (76 Ohio St. 309; 81 N. E. 440) 1957, 2144, 2161
- *v. Cutcomp* (61 Iowa, 672; 17 N. W. 47) 1016
- *v. Dahn* (36 Ind. 330) 1695, 1706, 1722
- *v. Dennison* (69 Fed. Rep. 58) 569, 1461, 1515, 1516, 1526
- *v. Grey* (2 Bush [Ky.] 476) 513, 515
- *v. Griggs* (113 Ga. 597; 38 S. E. 953) 3001
- *v. Hydraulic Woolen Mills Co.* (33 Ind. 435) 2936, 3056
- *v. Jaques* (30 Ga. 506) 1752, 1785, 1787, 1866
- *v. Neise* (63 Kan. 885; 65 Pac. 643) 2965
- *v. Ogletree* (96 Ga. 177; 22 S. E. 709) 2990
- *v. Sims* (94 Ga. 483; 20 S. E. 332) 2977
- *v. Sohl* (44 Ohio St. 479) 2606
- *v. Street R. R. Co.* (45 Ohio St. 98; 12 N. E. 651) 2419, 2592
- *v. Union Pac. R. Co.* (137 Fed. Rep. 869) 1782, 1835, 1839
- *v. Williard* (7 Ohio Cir. Dec. 33, aff'd 54 Ohio St. 615) 2933
- *v. Woonsocket Inst. for Sav.* (114 Fed. Rep. 162) 385, 419, 426
- Columbus & W. R. Co. v. Withelrow* (82 Ala. 190; 3 So. 23) 1719, 1990, 2943
- Columbus Southern R. Co. v. Wright* (151 U. S. 470, aff'g 89 Ga. 574; 15 S. E. 293) 2341
- Columbus St. R. & L. Co. v. Columbus* (43 Ind. App. 265; 86 N. E. 83) 1985, 2079
- Columbus Water Works Co. v. Columbus* (48 Kan. 666; 26 Pac. 1046) 2155
- *v. Columbus* (48 Kan. 99; 28 Pac. 1097; 15 L. R. A. 354) 457, 2115, 2155
- *v. Long* (121 Ala. 245; 25 So. 702) 2137
- Colusa County v. Welch* (122 Cal. 428; 55 Pac. 243) 1247
- Colvin v. Beaver* (94 Pa. 388) 66
- *v. Jacksonville* (158 U. S. 456) 2772
- Colwell v. Peden* (3 Watts [Pa.] 327) 2829
- *v. Waterbury* (74 Conn. 568; 51 Atl. 530; 57 L. R. A. 218) 2880, 2950
- Comanche v. Zettlemyer* ([Tex. Civ. App.], 40 S. W. 641) 3045
- Comanche County v. Lewis* (133 U. S. 198) 124, 126, 143, 624, 1369, 1461, 1469, 1471, 1520
- Combes v. Vanhorne* (39 N. J. L. 444) 2425
- Combs v. Hogg* (101 Ky. 178; 40 S. W. 453) 518
- *v. Jackson* (69 Minn. 336; 72 N. W. 565) 1270
- *v. Lakewood* (68 N. J. L. 582; 53 Atl. 697) 1128
- Comer v. Folsom* (13 Minn. 219) 568
- Comesky v. Suffern* (179 N. Y. 393; 72 N. E. 320) 1821, 1822
- *v. Suffern* (83 N. Y. App. Div. 137; 81 N. Y. Supp. 1049) 2934
- Comfort v. Kosciusko* (88 Miss. 611; 41 So. 268) 1050, 1051
- Commercial Elect. L. & P. Co. v. Tacoma* (17 Wash. 661; 50 Pac. 592) 1961, 1985
- Commercial National Bank v. Iola* (20 Wall. [U. S.] 655) 132, 578, 581, 582, 583
- *v. Iola* (2 Dillon C. C. 353) 1406, 2314
- *v. Portland* (24 Oreg. 188; 33 Pac. 532; 41 Am. St. Rep. 854) 1252
- Commercial Power Co. v. Tacoma* (20 Wash. 288; 55 Pac. 219; 72 Am. St. Rep. 103) 2877
- Commissioners v. Duckett* (20 Md. 449) 183
- *v. Potter* (142 U. S. 355) 390
- *v. Rosche* (50 Ohio St. 103; 33 N. E. 408; 40 Am. St. Rep. 653) 265
- *v. Snuggs* (121 N. Car. 394; 28 S. E. 539) 569
- *v. State* (50 Ohio St. 653; 35 N. E. 887) 161, 242

[References are to pages]

Commissioners of Public Charities v. McGurrin (6 Daly, [N. Y.] 349) 61	Commonwealth v. Belden (13 Metc. [Mass.] 10) 1728, 1730
Commissioners of Sinking Fund of Louisville v. Zimmerman ([Ky.] 41 S. W. 428) 1498	— v. Berkshire Ins. Co. (98 Mass. 25) 2333
Commonwealth v. Abrahams (156 Mass. 57; 30 N. E. 79) 938	— v. Binns (17 Serg. & R. [Pa.] 219) 727
— v. Adams (114 Mass. 323; 19 Am. Rep. 362) 1085, 3004	— v. Blackley (198 Pa. 372; 47 Atl. 1104; 52 L. R. A. 367) 328
— v. Alburger (1 Whart. [Pa.] 469) 1687, 1695, 1707, 1722, 1751, 1758, 1889, 1890	— v. Blaisdell (107 Mass. 234) 1788, 1880, 1882, 1898
— v. Alger (7 Cush. [Mass.] 53) 474, 475, 486, 501, 555	— v. Bond (214 Pa. 307; 63 Atl. 741; 112 Am. St. Rep. 745) 1956, 1957, 1981, 1982
— v. Allegheny County (16 Serg. & R. [Pa.] 317) 2676	— v. Borden (61 Pa. St. 272) 982
— v. Allegheny County (32 Pa. 218) 2645, 2648, 2649, 2675, 2687	— v. Boston (97 Mass. 555) 1922
— v. Allegheny County (37 Pa. St. 237) 1346, 1439	— v. Boston Adv. Co. (188 Mass. 348; 74 N. E. 601; 69 L. R. A. 817) 1064, 1065
— v. Allegheny County (37 Pa. St. 277) 1586, 2645, 2674, 2687, 2706, 2709, 2710, 2713, 2720, 2721	— v. Boston, B. & G. R. Co. (135 Mass. 550) 1767
— v. Allen (128 Mass. 308) 2729	— v. Boston Terminal Co. (185 Mass. 281; 70 N. E. 125) 486
— v. Allen (70 Pa. 465) 650, 1142, 1144, 1147, 2730	— v. Bowman (3 Pa. St. 203) 1075, 1751, 1752, 1754
— v. Allen (148 Pa. 358; 23 Atl. 1115; 16 L. R. A. 148; 33 Am. St. Rep. 830) 1852	— v. Boyd (188 Mass. 79; 74 N. E. 255; 108 Am. St. Rep. 464) 1086, 1087
— v. American Dredging Co. (122 Pa. 386; 15 Atl. 443; 1 L. R. A. 237; 9 Am. St. Rep. 116) 2411	— v. Bredin (165 Pa. St. 224; 30 Atl. 921) 2801
— v. Anderson (178 Pa. 171; 35 Atl. 632) 326	— v. Breed (4 Pick. [Mass.] 463) 1641
— v. Arrison (15 Serg. & Rawl. [Pa.] 130) 838	— v. Brennan (103 Mass. 70) 1016
— v. Ashley (37 Pa. Super. Ct. 254) 2204	— v. Brice (22 Pa. 211; 60 Am. Dec. 79) 2858
— v. Athearn (3 Mass. 285) 886, 2743	— v. Brooks (99 Mass. 434) 1847
— v. Bacon (6 Serg. & Rawle, [Pa.] 322) 733, 734	— v. Brooks (109 Mass. 355) 939, 1004, 1083
— v. Baily (129 Pa. St. 480; 10 Atl. 764) 764	— v. Brown (147 Mass. 585; 18 N. E. 587; 1 L. R. A. 620; 9 Am. St. Rep. 736) 1125
— v. Bank of America (10 Phila. [Pa.] 156) 2742	— v. Brown (210 Pa. 29; 59 Atl. 479) 260, 319
— v. Bank of Pennsylvania (28 Pa. St. 389) 839	— v. Bumm (10 Phila. [Pa.] 162) 2741
— v. Barker (211 Pa. 610; 61 Atl. 253) 751, 756	— v. Bussier (5 Serg. & Rawl. [Pa.] 451) 783
— v. Baxter (35 Pa. St. 263) 650, 652, 2730	— v. Cambridge (7 Mass. 158) 1633, 1837
— v. Beamish (81 Pa. 389) 66	— v. Canal Commissioners (9 Watts [Pa.] 466) 849
— v. Bean (14 Gray [Mass.] 52) 929, 981, 1100	— v. Cary Improvement Co. (98 Mass. 19) 2333
— v. Bean (Thach. [Mass.] Crim. Cas. 85) 981	— v. Central Bridge Co. (12 Cush. [Mass.] 242) 1831
— v. Beaver Borough (171 Pa. 542; 33 Atl. 112) 1747, 1751, 1753, 1754	— v. Central Pass. R. Co. (52 Pa. St. 506) 1979, 2727, 2737
— v. Beck (194 Mass. 14; 79 N. E. 744) 1083	— v. Challis (8 Pa. Super. Ct. 130) 1788
	— v. Charity Hospital (198 Pa. 270; 47 Atl. 980) 277
	— v. Charlestown (1 Pick. [Mass.] 179) 1643, 1644
	— v. Chase (6 Cush. [Mass.] 248) 889, 1103



# TABLE OF CASES CITED

89

[References are to pages]

Commonwealth v. Cheney (141 Mass. 102; 6 N. E. 724; 55 Am. Rep. 448) 675	Commonwealth v. Ellis (158 Mass. 555; 33 N. E. 651) 939, 1083, 1854
— v. Chester (123 Pa. 626; 16 Atl. 591) 2439	— v. Emigrant Indus. Savings Bank (98 Mass. 12; 93 Am. Dec. 126) 1545
— v. Clark (195 Pa. 634; 46 Atl. 286; 86 Am. St. Rep. 694; aff'd 184 U. S. 329) 2472	— v. Emery (11 Cush. [Mass.] 406) 1133
— v. Cluley (56 Pa. St. 270; 94 Am. Dec. 75) 640, 2727, 2733, 2741	— v. Emmers (221 Pa. 298; 70 Atl. 762) 2203
— v. Cole (26 Pa. St. 187) 1710, 1711	— v. Erie & M. F. R. Co. (27 Pa. St. 344) 1977
— v. Comly (3 Pa. St. 372) 763	— v. Erie & N. E. R. Co. (27 Pa. St. 339) 67 Am. Dec. 471) 1849, 1933, 1970, 1971, 1972
— v. Connellsville (201 Pa. 154; 50 Atl. 825) 1751, 1753	— v. Fahey (5 Cush. [Mass.] 408) 975, 978, 981, 983, 1032, 1033
— v. Consumers' Gas. Co. (214 Pa. 72; 63 Atl. 463) 2170	— v. Fairfax County (2 Va. Cas. 9) 2647
— v. Coupe (128 Mass. 63) 1709, 1710	— v. Fenton (139 Mass. 195; 29 N. E. 653) 1083, 1854
— v. Covington (128 Ky. 36; 107 S. W. 231; 14 L. R. A. N. s. 1214) 2118	— v. First Nat. Bank (207 Pa. 255; 56 Atl. 437) 1878
— v. Crawford County (20 Pa. Co. Ct. Rep. 593) 1287	— v. Fitler (136 Pa. 129; 20 Atl. 424) 911, 912
— v. Crowninshields (187 Mass. 221; 72 N. E. 963; 68 L. R. A. 245) 1086, 1087, 1088, 1853	— v. Fleming (23 Pa. Super. Ct. 404) 846, 867, 2668
— v. Cullen (13 Pa. St. 133; 53 Am. Dec. 450) 590	— v. Ford (5 Pa. 67) 727
— v. Curtis (9 Allen [Mass.] 266) 1051, 1100, 1848	— v. Fowler (96 Ky. 166; 28 S. W. 786; 33 L. R. A. 839) 2463
— v. Cutter (156 Mass. 52; 29 N. E. 1146) 1023	— v. Fowler (10 Mass. 290; s. c. 11 Mass. 339) 2735, 2745
— v. Dallas (4 Dallas [Pa.] 229; s. c. 3 Yeates [Pa.] 300) 667, 669, 1119	— v. Gage (114 Mass. 328) 1854
— v. Davis (140 Mass. 485; 4 N. E. 577) 925, 938, 945	— v. Gardner (133 Pa. 284; 19 Atl. 550; 7 L. R. A. 666; 19 Am. St. Rep. 645) 2323
— v. Davis (162 Mass. 510; 39 N. E. 113; 26 L. R. A. 712; 44 Am. St. Rep. 389) 202, 941	— v. Garrigues (28 Pa. St. 9; 70 Am. Dec. 103) 652, 2730
— v. De Camp (177 Pa. 112; 35 Atl. 601) 1142, 1144, 1147	— v. Garvey (217 Pa. 425; 66 Atl. 652) 842
— v. Deerfield (6 Allen [Mass.] 449) 1832	— v. Gay (5 Pick. [Mass.] 44) 978, 981
— v. Densmore (29 Pa. Co. Ct. Rep. 217) 1086, 1087	— v. Genther (17 Serg. & Rawle [Pa.] 135) 762
— v. Derby (162 Mass. 183; 38 N. E. 440) 1854	— v. German Society (15 Pa. St. 251) 808, 819
— v. Diamond Nat. Bank (9 Pa. Super. Ct. 118) 899, 900, 1288, 1292	— v. Gibbons (196 Pa. 97; 46 Atl. 313) 2672
— v. Dow (10 Met. [Mass.] 382) 987, 1012	— v. Gill (3 Whart. [Pa.] 228) 2734
— v. Doylestown (16 Pa. Co. Ct. 161) 2649, 2657	— v. Gilligan (195 Pa. St. 504; 46 Atl. 124) 247, 254, 266, 267, 275, 280, 330, 328
— v. Dugan (12 Met. [Mass.] 233) 674	— v. Godshaw (92 Ky. 435; 17 S. W. 737) 763, 765
— v. Dun (126 Ky. 108; 102 S. W. 859; 10 L. R. A. N. s. 920) 2415	— v. Goodrich (13 Allen [Mass.] 546) 931, 1032, 1043
— v. Duquet (2 Yeates [Pa.] 493) 901	— v. Griest (196 Pa. 396; 46 Atl. 505; 50 L. R. A. 568) 2660
— v. Ellis (11 Mass. 465) 2792	— v. Guardians of Poor (6 Serg. & Rawl. [Pa.] 469) 783, 796
	— v. Guthrie (203 Pa. 209; 52 Atl. 254) 295
	— v. Haeseler (161 Pa. 92; 28 Atl. 1014) 726, 727

## TABLE OF CASES CITED

[References are to pages]

Commonwealth v. Hall (7 Watts [Pa.] 290)	2858	Commonwealth v. Louisville & N. R. Co. (105 Ky. 206; 48 S. W. 1092)	411
— v. Hamilton Mfg. Co. (120 Mass. 383)	205, 207	— v. Low (3 Pick. [Mass.] 408)	1726, 1728
— v. Hamilton Mfg. Co. (12 Allen [Mass.] 298)	2333	— v. Lowell Gasl. Co. (12 Allen, [Mass.] 75)	2420
— v. Hampden County (2 Pick. [Mass.] 414)	2707	— v. Lyndall (2 Brew. [Pa.] 425)	2721
— v. Hanley (9 Pa. St. 513)	719	— v. McCafferty (145 Mass. 384; 14 N. E. 451)	1068, 1086
— v. Hastings (9 Met. [Mass.] 259)	674, 675, 676	— v. McCarter (98 Pa. 607)	2740
— v. Hawkes (123 Mass. 525)	725, 1120	— v. McCloskey (2 Rawle [Pa.] 369)	649, 1135, 2730, 2731
— v. Hawkins (14 Pa. Dist. Rep. 592)	1087	— v. McCombs (56 Pa. 436)	728
— v. Hazen (207 Pa. 52; 56 Atl. 263)	1748, 1749	— v. McDonald (16 Serg. & Rawle [Pa.] 390)	1722, 1889, 1890, 1897
— v. Henchey (196 Mass. 300; 82 N. E. 4)	1710	— v. MacFerron (152 Pa. 244; 25 Atl. 556; 19 L. R. A. 568)	267, 275, 319, 323
— v. Henry (49 Pa. St. 530)	2657, 2659	— v. McWilliams (11 Pa. St. 61)	569
— v. Hitchings (5 Gray [Mass.] 482)	986	— v. Makibben (90 Ky. 384; 14 S. W. 372; 29 Am. St. Rep. 382)	2435
— v. Hopkins (7 B. Mon. [Ky.] 38)	2803	— v. Mann (5 W. & S. [Pa.] 418)	734
— v. Horne (10 Phila. [Pa.] 164)	2741	— v. Markham (7 Bush [Ky.] 486)	997, 1102, 1103, 2462
— v. Ipswich (2 Pick. [Mass.] 70)	845	— v. Marshall (69 Pa. 328)	2636
— v. James (214 Pa. 319; 63 Atl. 743)	2651, 2732	— v. Martin (107 Pa. 185)	2438, 2439
— v. Johnson (2 Binn. [Pa.] 275)	2652	— v. Matthews (122 Mass. 60)	1854
— v. Johnson (24 Pa. Super. Ct. 490)	2676	— v. Maury (82 Va. 883; 1 S. E. 185)	2439
— v. Jones (12 Pa. St. 365)	636, 2727, 2741, 2744, 2745	— v. Meeser (44 Pa. St. 341)	650, 651, 2729, 2730, 2741
— v. Kaiser (184 Pa. 493; 39 Atl. 299)	441	— v. Merz (125 Ky. 97; 100 S. W. 333)	973
— v. Kane (108 Mass. 423; 11 Am. Rep. 373)	678	— v. Middleton (210 Pa. St. 582; 60 Atl. 297)	260, 295
— v. Keary (198 Pa. 500; 48 Atl. 472)	266	— v. Miliman (13 Serg. & Rawle, [Pa.] 408)	1787
— v. Kelly (8 Gratt. [Va.] 632)	1728	— v. Milton (12 B. Mon. [Ky.] 212; 54 Am. Dec. 522)	2354
— v. Kembel (30 Pa. Super. Ct. 199)	1880	— v. Mitchell (82 Pa. St. 343)	1223
— v. Kemp Smith (13 Pa. Co. Ct. R. 667)	2730	— v. Moir (199 Pa. 534; 49 Atl. 351; 53 L. R. A. 837; 85 Am. St. Rep. 801)	161, 249, 250, 254, 265, 266, 267, 280, 314, 323
— v. Kepner (10 Phila. [Pa.] 510)	838	— v. Montrose (52 Pa. St. 391)	105
— v. King (13 Met. [Mass.] 115)	1858	— v. Moore (25 Gratt. [Va.] 951)	2471
— v. Lagorio (141 Mass. 81; 6 N. E. 546)	1083	— v. Moorehead (118 Pa. 344; 12 Atl. 424; 4 Am. St. Rep. 599)	1728, 1738, 1890, 1897
— v. Lancaster (5 Watts, [Pa.] 152)	869, 2676	— v. Morrison (197 Mass. 199; 83 N. E. 415)	1870, 1908
— v. Lansford Bor. (14 Pa. Co. Ct. R. 376)	2803	— v. Mulhall (162 Mass. 496; 39 N. E. 183; 44 Am. St. Rep. 387)	1855
— v. Larkin (84 Va. 517; 5 S. E. 526)	2439	— v. Nashua & L. R. Co. (2 Gray [Mass.] 54)	2801
— v. Leech (44 Pa. 332)	646, 650, 651, 652, 2730	— v. New Bedford Br. Prop. (2 Gray [Mass.] 339)	2801
— v. Lehigh Val. R. Co. (129 Pa. 429; 18 Atl. 406, 410)	2359		
— v. Lennon (172 Mass. 434; 52 N. E. 521)	1861		
— v. Llewellyn (14 Pa. Super. Ct. 214)	1728, 1738		

## TABLE OF CASES CITED

91

[References are to pages]

Commonwealth v. Newbury (2 Pick. [Mass.] 51) 1707	Commonwealth v. Pindar (11 Met. [Mass.] 539) 1133
— v. New York L. E. & W. R. Co. (129 Pa. 463; 18 Atl. 412; 15 Am. St. Rep. 724, rev'd 153 U. S. 628) 2353, 2354	— v. Pittsburgh (14 Pa. St. 177) 677, 869, 2738
— v. Noxon (121 Mass. 42) 1817	— v. Pittsburgh (34 Pa. St. 496) 583, 1327, 1346, 2456, 2457, 2644, 2648, 2656, 2673, 2674, 2675, 2686, 2687, 2692, 2714, 2715, 2716, 2717, 2720, 2721
— v. Ober (12 Cush. [Mass.] 493) 2323	— v. Pittsburgh (41 Pa. St. 278) 524, 1327, 1331, 1346
— v. Old Colony & F. R. Co. (14 Gray [Mass.] 93) 1990	— v. Pittsburgh (43 Pa. St. 391) 1544, 1545
— v. O'Neal (203 Pa. 132; 52 Atl. 134) 719	— v. Pittsburgh (88 Pa. 66) 1327, 1346, 1391, 2676, 2679
— v. Paducah (126 Ky. 77; 102 S. W. 882) 2436	— v. Pittsburgh (206 Pa. 379; 55 Atl. 1058; s. c. 204 Pa. 219; 53 Atl. 769) 1241, 1242
— v. Painter (10 Pa. St. 214) 127, 128	— v. Pittsburgh (209 Pa. 333; 58 Atl. 669) 2710
— v. Park (9 Phila. [Pa.] 481) 2657	— v. Pittsburgh & C. R. Co. (58 Pa. St. 26) 1642
— v. Parks (155 Mass. 531; 30 N. E. 174) 937, 939, 1061	— v. Pittston Ferry Bridge Co. (148 Pa. 621; 24 Atl. 87) 1834
— v. Passmore (1 Serg. & R. [Pa.] 217) 1857, 2012	— v. Plaisted (148 Mass. 375; 19 N. E. 224; 2 L. R. A. 142; 12 Am. St. Rep. 566) 158, 176, 903, 963, 964, 996, 1004
— v. Patch (97 Mass. 221) 928, 929, 934, 942, 1051	— v. Price (123 Ky. 163; 94 S. W. 32) 928, 983, 1020
— v. Patton (88 Pa. 258) 285, 302, 303, 304, 311	— v. Quarter Sessions (8 Pa. St. 391, 395) 127, 128
— v. Pearl Laundry Co. (105 Ky. 259; 49 S. W. 26) 2326, 2472	— v. Rawson (183 Mass. 491; 67 N. E. 605) 975
— v. Peebles ([Ky.], 119 S. W. 774; 23 L. R. A. N. s. 1130) 2415	— v. Read (1 Gray [Mass.] 475) 1123
— v. Pennsylvania Benef. Inst. (2 Serg. & Rawle, [Pa.] 141) 808, 809	— v. Rice (9 Met. [Mass.] 253) 1079
— v. Pennsylvania R. Co. (6 Pa. Dist. R. 266) 2714	— v. Roark (8 Cush. [Mass.] 210) 1133
— v. Perkins (43 Pa. 400) 569, 1586, 2675	— v. Roberts (155 Mass. 281; 29 N. E. 522; 16 L. R. A. 400) 1071
— v. Perry (139 Mass. 198; 29 N. E. 656) 1050	— v. Robertson (5 Cush. [Mass.] 438) 925, 928, 942, 985, 1083, 1854
— v. Perry (155 Mass. 117; 28 N. E. 1126; 14 L. R. A. 325; 31 Am. St. Rep. 533) 206	— v. Roxbury (9 Gray [Mass.] 451) 26, 71, 506, 513, 593
— v. Philadelphia (27 Pa. 497) 2835	— v. Roy (140 Mass. 432; 4 N. E. 814) 923
— v. Philadelphia (132 Pa. 288; 19 Atl. 136) 2219	— v. Royce (152 Pa. 88; 25 Atl. 162) 1732
— v. Philadelphia (7 Am. Law. Reg. N. s. 362) 680	— v. Rush (14 Pa. St. 186) 1075, 1747, 1751, 1752, 1758, 1784, 1785, 1787
— v. Philadelphia & T. R. R. Co. (6 Whart. [Pa.] 25, aff'd 27 Pa. St. 339) 2012	— v. Russell (172 Pa. 506; 33 Atl. 709) 2117, 2118, 2204
— v. Philadelphia County (1 Whart. [Pa.] 1) 2676	— v. Ryan (5 Mass. 90) 1123, 1124
— v. Philadelphia County (2 Whart. [Pa.] 286) 1663, 2676	— v. St. Patrick's (Benevolent) Society (2 Binn. [Pa.] 441) 780, 783, 788, 796, 797
— v. Philadelphia County (4 Serg. & R. [Pa.] 126) 1318	— v. Sawin (2 Pick. [Mass.] 547) 1632
— v. Philadelphia County (5 Rawle, [Pa.] 75) 642, 2671	— v. Shaver (3 Watts & S. [Pa.] 338) 787, 800
— v. Philadelphia, H. & P. R. Co. (23 Pa. Super. Ct. 205) 2064, 2068	— v. Shaw (4 Allen [Mass.] 308; 81 Am. Dec. 706) 222
— v. Philanthropic Soc. (5 Binn. [Pa.] 486) 798	

## TABLE OF CASES CITED

[References are to pages]

- Commonwealth *v.* Shaw (1 Pittsburg [Pa.] 492) 1120  
 — *v.* Shepp (10 Phila. [Pa.] 518) 2741  
 — *v.* Shoemaker (14 Pa. Super. Ct. 194) 1719, 1724  
 — *v.* Sholtis (24 Pa. Super. Ct. 487) 1288, 1293, 1296, 1312  
 — *v.* Shuman's Adm. (18 Pa. St. 343) 1631  
 — *v.* Sisson (178 Mass. 578; 60 N. E. 385) 1008  
 — *v.* Slifer (25 Pa. St. 23; 64 Am. Dec. 680) 792  
 — *v.* Small (27 Pa. St. 31) 2669  
 — *v.* Smead (11 Mass. 74) 2745  
 — *v.* Smith (92 Ky. 38; 17 S. W. 187; 36 Am. St. Rep. 578) 2343, 2348  
 — *v.* Smith (111 Mass. 407) 975  
 — *v.* Smith (132 Mass. 289) 643  
 — *v.* Smith (9 Pa. Dist. R. 350) 2395  
 — *v.* Smith (45 Pa. St. 59) 2743  
 — *v.* Southern Pac. Co. ([Ky.], 120 S. W. 311) 2417  
 — *v.* Springfield (7 Mass. 9) 2957  
 — *v.* Steffee (7 Bush [Ky.] 161) 925  
 — *v.* Stodder (2 Cush. [Mass.] 562) 933, 986, 996, 999, 1000, 1004, 1009, 1028, 1083, 1084, 1854  
 — *v.* Sutherland (3 Serg. & Rawle [Pa.] 145) 783, 787, 793  
 — *v.* Swasey (133 Mass. 538) 2743  
 — *v.* Taylor (101 Ky. 325; 41 S. W. 11) 284, 310, 331  
 — *v.* Taylor (36 Pa. St. 263) 2723  
 — *v.* Temple (14 Gray [Mass.] 69) 1980  
 — *v.* Tewksbury (11 Met. [Mass.] 55) 555  
 — *v.* Tobin (108 Mass. 426) 675, 678  
 — *v.* Turner (1 Cush. [Mass.] 493) 451, 893, 922, 926, 1012  
 — *v.* Union Ins. Co. (5 Mass. 230) 589  
 — *v.* Upton (6 Gray [Mass.] 473) 1035  
 — *v.* Uwchlan St. R. Co. (203 Pa. 608; 53 Atl. 513) 1956, 1982  
 — *v.* Van Sickle (Bright. [Pa.] 69) 1039, 1050  
 — *v.* Vermont & Mass. R. Corp. (4 Gray [Mass.] 22) 2801  
 — *v.* Walton (182 Pa. 373; 38 Atl. 790; 61 Am. St. Rep. 712) 449, 750  
 — *v.* Warwick (185 Pa. 623; 40 Atl. 93) 1985, 2064, 2065, 2070  
 — *v.* Weir (165 Pa. 284; 30 Atl. 835) 728  
 — *v.* Wentworth (Bright. [Pa.] 318) 1869, 1870  
 Commonwealth *v.* Westborough (3 Mass. 406) 1837  
 — *v.* Wheeler (162 Mass. 429; 38 N. E. 1115) 441  
 — *v.* Wickersham (66 Pa. St. 134) 856  
 — *v.* Wilder (127 Mass. 1) 1580, 1581  
 — *v.* Williams (120 Ky. 315; 86 S. W. 553) 949  
 — *v.* Williamstown (156 Mass. 70; 30 N. E. 472) 1346  
 — *v.* Wilmington (105 Mass. 599) 2963  
 — *v.* Witman (217 Pa. 411; 66 Atl. 986) 1147  
 — *v.* Woelper (3 Serg. & R. [Pa.] 29; 8 Am. Dec. 628) 635  
 — *v.* Wolbert (6 Binney [Pa.] 292; 6 Am. Dec. 452) 682  
 — *v.* Wood (18 Pa. St. 93) 1687  
 — *v.* Woods (44 Pa. St. 113) 1665  
 — *v.* Worcester (3 Pick. [Mass.] 462) 444, 941, 978, 981, 1084  
 — *v.* Wright (158 Mass. 149; 33 N. E. 82; 35 Am. St. Rep. 475) 678  
 — *v.* Wyman (137 Pa. 508; 21 Atl. 389) 323  
 — *v.* Yetter (190 Pa. St. 488; 43 Atl. 226) 2737  
 — *v.* Young (135 Mass. 526) 1050  
 Commonwealth Bank of Ky. *v.* Wister (2 Pet. [U. S.] 318) 631  
 Commonwealth Electric Co. *v.* Rose (214 Ill. 545; 73 N. E. 780) 902  
 Como *v.* Worcester (177 Mass. 543; 59 N. E. 444) 1807  
 Comptoir National D'Escompte *v.* Board of Assessors (52 La. An. 1319; 27 So. 801) 2415  
 Compton *v.* Johnson (9 Ohio Cir. Ct. 532) 2148  
 — *v.* Waco Bridge Co. (62 Tex. 715) 1042  
 Comstock *v.* Eagle Grove (133 Iowa, 589; 111 N. W. 51) 2602  
 — *v.* Grand Rapids (40 Mich. 397) 744, 748  
 — *v.* Grand Rapids (54 Mich. 641; 20 N. W. 623) 2347  
 — *v.* Nelsonville (61 Ohio St. 288; 56 N. E. 15) 1178, 1193  
 Conabeer *v.* New York Cent. & H. R. R. Co. (156 N. Y. 474; 51 N. E. 402) 1879, 2010, 2023, 2044  
 Conboy *v.* Iowa City (2 Iowa, 90) 945, 949, 979, 1135  
 Concord *v.* Boscawen (17 N. H. 465) 1566  
 — *v.* Burleigh (67 N. H. 106; 36 Atl. 606) 1852

## TABLE OF CASES CITED

93

[References are to pages]

- Concord v. Patterson** (8 Jones L. [N. Car.] 182) 2469  
 — *v. Portsmouth Sav. Bank* (92 U. S. 625) 195, 575, 1434, 1508, 1509, 1511, 1513  
 — *v. Robinson* (121 U. S. 165) 575, 580, 581, 1332, 1350, 1413, 1512  
**Concordia v. Hagaman** (1 Kan. App. 35; 41 Pac. 133) 1150  
**Concordia Cem. Assoc. v. Minnesota & N. W. R. Co.** (121 Ill. 199; 12 N. E. 536) 1032, 1034  
**Concord Mfg. Co. v. Robertson** (66 N. H. 1; 25 Atl. 718) 487  
**Concord R. Co. v. Greely** (17 N. H. 47) 1641  
**Conde v. Schenectady** (164 N. Y. 258; 58 N. E. 130, rev'g 29 N. Y. App. Div. 604; 51 N. Y. Supp. 854) 2528, 2606, 2623  
**Condict v. Jersey City** (46 N. J. L. 157) 2900, 2957, 2994  
**Condon, In re** (L. R. 9 Ch. App. 609) 2834  
 — *v. Eureka Springs* (135 Fed. Rep. 566) 1308, 1312  
 — *v. Sprigg* (78 Md. 330; 28 Atl. 395) 3028  
**Cone v. Hartford** (28 Conn. 363) 1665, 1815, 2612, 2614, 2621  
 — *v. Wold* (85 Minn. 302; 88 N. W. 977) 2763, 2785  
**Conelly v. Nashville** (100 Tenn. 262; 46 S. W. 565) 2882, 2900  
**Conery v. New Orleans Water-Works Co.** (39 La. An. 770; 2 So. 555) 2766  
 — *v. New Orleans Water Works Co.* (41 La. An. 910; 7 So. 8) 2114, 2130, 2132, 2134, 2149  
**Cones v. Benton County** (137 Ind. 404; 37 N. E. 272) 2856  
**Conestoga & B. S. V. Turnp. Co. v. Lancaster** (151 Pa. 543; 24 Atl. 1092) 1800  
**Congaree Construction Co. v. Columbia Tp.** (49 S. Car. 535; 27 S. E. 570) 571  
**Congdon v. Norwich** (37 Conn. 414) 2967  
**Congregational Soc. of Bethany v. Sperry** (10 Conn. 200) 718, 829  
**Congressional Tp. v. Weir** (9 Ind. 224) 1180  
**Congreve v. Morgan** (18 N. Y. 84; 72 Am. Dec. 495) 3028, 3029, 3030  
 — *v. Morgan* (5 Duer [N. Y.] 495) 2978  
 — *v. Smith* (18 N. Y. 79) 3028, 3029  
**Coniff v. Hastings** (36 Cal. 292) 2594  
**Conklin v. El Paso** ([Tex. Civ. App.], 44 S. W. 879) 1381, 1498  
**Conklin v. Fillmore County** (13 Minn. 454) 2775  
 — *v. Hutchinson* (65 Kan. 582; 70 Pac. 587) 307  
 — *v. Keokuk* (73 Iowa, 343; 35 N. W. 444) 2920, 2927  
 — *v. Thompson* (29 Barb. [N. Y.] 218) 1865, 2981  
**Conkling v. Mackinaw City** (120 Mich. 67; 79 N. W. 6) 1707, 1723, 1747, 1748  
 — *v. Springfield* (132 Ill. 420; 24 N. E. 67) 2831  
**Conlin v. People** (190 Ill. 400; 60 N. E. 55) 2600  
 — *v. San Francisco Bd. of Supervisors* (114 Cal. 404; 46 Pac. 279) 198, 317, 326  
**Connecticut Mut. L. Ins. Co. v. St. Louis** (98 Mo. 422; 11 S. W. 969) 1899  
**Connelly v. Trego County** (64 Kan. 168; 67 Pac. 453) 2826  
**Conner v. Bent** (1 Mo. 235) 152  
 — *v. Nevada* (188 Mo. 148; 86 S. W. 256; 107 Am. St. Rep. 314) 377, 1730  
 — *v. New Albany* (1 Blackf. [Ind.] 43) 519, 1767  
 — *v. New York* (5 N. Y. 285) 728, 734  
**Connersville v. Bank of Indiana** (16 Ind. 105) 2423, 2445  
 — *v. Connersville Hydraulic Co.* (86 Ind. 184) 1292, 1294, 1295  
**Connett v. Chicago** (114 Ill. 233; 29 N. E. 280) 673  
**Conniff v. San Francisco** (67 Cal. 45; 7 Pac. 41) 2874  
**Connolly v. Griswold** (7 Iowa, 416) 1657, 1670  
 — *v. New York* (115 N. Y. App. Div. 81; 100 N. Y. Supp. 673) 3053  
 — *v. Union Sewer Pipe Co.* (184 U. S. 540) 2466, 2467  
**Connor v. Green Pond, W. & B. R. Co.** (23 S. Car. 427) 1429  
 — *v. Marshfield* (128 Wis. 280; 107 N. W. 639) 362, 376, 377, 2186  
 — *v. Morris* (23 Cal. 447) 2676  
 — *v. Paris* (87 Tex. 32; 27 S. W. 88) 2399, 2624, 2631, 2635  
 — *v. Salt Lake City* (28 Utah, 248; 78 Pac. 479) 2820  
 — *v. West Chicago* (162 Ill. 287; 44 N. E. 1118) 2623  
**Connors v. Adams** (13 Hun [N. Y.] 427) 767  
**Conover v. Long Branch Commission** (65 N. J. L. 167; 47 Atl. 222) 897  
**Conoy Tp. v. York Haven E. P. P. Co.** (222 Pa. 319; 71 Atl. 207) 2590



[References are to pages]

- Conrad *v.* Ithaca (16 N. Y. 158) 467,  
2859, 2899, 2903, 2975, 2993, 2996,  
3010, 3057
- *v.* West End Hotel & Land  
Co. (126 N. Car. 776; 36 S. E.  
282) 1737
- Conrades, *Ex parte* (185 Mo. 411;  
85 S. W. 160) 848
- Conservators of River Tone *v.* Ash  
(10 Barn. & Cress. 349) 119, 120
- Conshohocken Ave., *In re* (12 Pa.  
Super. Ct. 573) 2707
- Considine *v.* Dubuque (126 Iowa,  
283; 102 N. W. 102) 3003
- Consolidated Elect. L. Co. *v.* Peo-  
ple's Elect. L. & G. Co. (94 Ala.  
372; 10 So. 440) 1986, 1988
- Consolidated Gas Co. *v.* Baltimore  
(101 Md. 541; 61 Atl. 532; 1 L.  
R. A. N. s. 263; 109 Am. St.  
Rep. 584) 2422
- *v.* Baltimore County (98 Md.  
689; 57 Atl. 29) 2062
- *v.* Baltimore County (99 Md.  
403; 58 Atl. 214) 2160
- *v.* Mayer (146 Fed. Rep. 150;  
s. c. 212 U. S. 19) 2230, 2250, 2254,  
2257, 2259, 2271
- *v.* New York City (157 Fed.  
Rep. 849; 212 U. S. 19) 2272
- Consolidated Traction Co. *v.* East  
Orange (61 N. J. L. 202; 38 Atl.  
803) 1093, 2061
- *v.* Elizabeth (58 N. J. L. 619;  
34 Atl. 146) 928, 929, 1093
- *v.* South Orange & M. Trac-  
tion Co. (56 N. J. Eq. 569; 40  
Atl. 15) 1983, 1984
- Consolidated Water Co. *v.* San  
Diego (84 Fed. Rep. 369) 2257
- Consolidation of School Dists., *In*  
*re* (23 Colo. 499; 48 Pac. 647) 329
- Constables of Hipperholm, *In re*  
(5 D. & L. 79) 2798
- Constantine *v.* Albion (148 Mich.  
403; 111 N. W. 1068) 2602
- Consumers' Gas & El. L. Co. *v.*  
Congress Spring Co. (61 Hun  
[N. Y.] 133; 15 N. Y. Supp. 624) 1912
- Consumers' Gas Trust Co. *v.*  
Huntsinger (14 Ind. App. 156;  
42 N. E. 640) 1913
- Contra Costa Water Co. *v.* Breed  
(139 Cal. 432; 73 Pac. 189) 1203
- *v.* Oakland (165 Fed. Rep.  
518) 2284, 2288
- Converse *v.* Fort Scott (92 U. S.  
503) 1518
- *v.* United States (21 How. [U.  
S.] 463) 740
- Conway *v.* Beaumont (61 Tex. 10) 2837
- *v.* Chicago (219 Ill. 295; 76  
N. E. 384) 2635
- Conway *v.* Garden City Pav. Co.  
(190 Ill. 89; 60 N. E. 82) 1165,  
1166
- *v.* New York City (139 N. Y.  
App. Div. 446; 124 N. Y. Supp.  
660) 2816
- *v.* Rochester (157 N. Y. 33; 51  
N. E. 395, rev'g 24 N. Y. App.  
Div. 489; 49 N. Y. Supp. 244) 2080,  
2081
- Conwell *v.* Emrie (2 Ind. 35) 2846
- *v.* Emrie (4 Ind. 200) 773
- Conyers *v.* Kirk (78 Ga. 480; 3 S.  
E. 442) 378
- Cook *v.* Anamosa (66 Iowa, 427;  
23 N. W. 907) 3015
- *v.* Atlanta (94 Ga. 613; 19 S.  
E. 987) 2999
- *v.* Boston (9 Allen [Mass.]  
393) 2827, 2828, 2829, 2830, 2832
- *v.* Buffalo (1 Clinton's [N. Y.]  
Digest, Sec. 2) 548
- *v.* Burlington (30 Iowa, 94; 6  
Am. Rep. 649) 1700, 1701, 1716,  
1743, 1758, 1791, 1831, 2000
- *v.* Burlington (36 Iowa, 357) 484,  
495
- *v.* Charlestown (13 Allen  
[Mass.] 190) 2978
- *v.* Charlestown (98 Mass. 80)  
2970
- *v.* Crandall (7 Utah, 344; 26  
Pac. 927) 2425
- *v.* Dean (11 N. Y. App. Div.  
123; 42 N. Y. Supp. 1040) 768
- *v.* Gage Co. (65 Neb. 611; 91  
N. W. 559) 2609
- *v.* Harris (61 N. Y. 448) 1690,  
1695, 1708, 1713
- *v.* Hillsdale (7 Mich. 115) 1713,  
1722
- *v.* Independence (133 Iowa,  
582; 110 N. W. 1029) 873, 874
- *v.* Macon (54 Ga. 460) 2884
- *v.* Manufacturing Co. (1  
Sneed [Tenn.] 698) 580, 582
- *v.* Marshall County (196 U.  
S. 261) 2465, 2467
- *v.* Menasha (103 Wis. 6; 79 N.  
W. 26) 1278
- *v.* Middlesex County (26 N.  
J. L. 326) 2833
- *v.* Milwaukee (24 Wis. 270; 1  
Am. Rep. 183) 2966, 2968
- *v.* Milwaukee (27 Wis. 191) 2966,  
2968
- *v.* New York (9 N. Y. Misc.  
338; 30 N. Y. Supp. 404, aff'd  
150 N. Y. 578; 44 N. E. 1123) 738
- *v.* North Bergen (72 N. J. L.  
119; 59 Atl. 1035) 1787
- *v.* Pennsylvania (97 U. S.  
566) 2325, 2337



[References are to pages]

- Cook v. Portland** (20 Oreg. 580; 27 Pac. 263; 13 L. R. A. 533) 60, 134, 2503
- *v. Putnam County* (70 Mo. 668) 1305
- *v. Quick* (127 Ind. 477; 26 N. E. 1007) 1841
- *v. Racine* (49 Wis. 243; 5 N. W. 352) 1222
- *v. Shipman* (24 Ill. 614) 1183
- *v. South Park Com'rs* (61 Ill. 115) 1319, 1677, 1684, 1746
- *v. Topeka* (75 Kan. 534; 90 Pac. 244) 2820
- *v. Totten* (49 W. Va. 177; 38 S. E. 491; 87 Am. St. Rep. 792) 1720
- Cook County v. Chicago** (103 Ill. 646) 2578
- *v. Chicago, B. & Q. R. Co.* (35 Ill. 460) 2765, 2787
- *v. Harms* (108 Ill. 151) 1228
- *v. McCrea* (93 Ill. 236) 449, 450
- *v. People* (78 Ill. App. 586) 2647, 2657
- Cooke v. Loper** (151 Ala. 546) 44
- So. 78) 840, 902
- *v. Paris Mountain Water Co.* (82 S. Car. 235; 64 S. E. 157) 2302, 2304
- *v. Saratoga Springs* (23 Hun [N. Y.] 55) 1320
- Cooley v. Board of Wardens** (12 How. [U. S.] 296) 475
- *v. Essex County* (27 N. J. L. 415) 1832, 2801, 2852, 2950
- *v. Golden* (117 Mo. 33; 23 S. W. 100; 21 L. R. A. 300) 487
- *v. Granville* (10 Cush. [Mass.] 56) 76, 451
- *v. Westbrook* (57 Me. 181) 3020
- Coolidge v. Brookline** (114 Mass. 592) 77
- *v. General Hospital Society* (9 Kan. App. 891; 58 Pac. 562) 1396, 1502
- *v. Learned* (8 Pick. [Mass.] 504) 1757
- *v. New York* (99 N. Y. App. Div. 175; 90 N. Y. Supp. 1078) 2998, 3003
- Coombs, Ex parte** (36 Tex. Crim. Rep. 648; 44 S. W. 854) 972
- *v. Purrington* (42 Me. 332) 2973, 2985, 3000
- Cooney v. Hartland** (95 Ill. 516) 2873
- Coonley v. Albany** (132 N. Y. 145; 30 N. E. 382; aff'g 57 Hun [N. Y.] 327; 10 N. Y. Supp. 512) 956, 1769
- Coons v. People** (76 Ill. 383) 683, 684
- Cooper, Matter of** (28 Hun [N. Y.] 515) 1636
- Cooper, Ex parte** (3 Tex. App. 489; 30 Am. Rep. 152) 1100, 1102
- *v. Alden* (Harring. Ch. [Mich.] 72) 1752, 1790, 1792
- *v. Atlanta* (53 Ga. 638) 2869
- *v. Cape May Point* (72 N. J. L. 164; 60 Atl. 516) 2452
- *v. Cedar Rapids* (112 Iowa, 367; 83 N. W. 1050) 1190, 1816, 3055
- *v. Dallas* (83 Tex. 239; 18 S. W. 565; 29 Am. St. Rep. 645) 3045
- *v. Detroit* (42 Mich. 584; 4 N. W. 262) 1074, 1835
- *v. Dismal Swamp Canal Co.* (2 Murphey [N. Car.] 195) 2645
- *v. District of Columbia* (11 D. C. 250) 2470
- *v. Gostling* (9 L. T. N. s. 77) 1658
- *v. Lampeter* (8 Watts [Pa.] 128) 849
- *v. Milwaukee* (96 Wis. 458; 72 N. W. 1130) 3014
- *v. Nevin* (90 Ky. 85; 13 S. W. 841) 2527
- *v. People* (41 Mich. 403; 2 N. W. 51) 977
- *v. Phibbs* (L. R. 2 H. L. 149; s. c. 17 Irish Ch. R. 79) 2834
- *v. Reilly* (2 Sim. 560) 743
- *v. Savannah* (4 Ga. 68) 2481
- *v. Scranton* (21 Pa. Super. Ct. 17) 2924
- *v. Smith* (9 Serg. & Rawle [Pa.] 26; 11 Am. Dec. 658) 1795
- *v. Williams* (4 Ohio, 253; 22 Am. Dec. 745; s. c. 5 Ohio, 391; 24 Am. Dec. 299) 1625
- Cooper Hospital v. Camden** (68 N. J. L. 208; 52 Atl. 210) 2576
- *v. Camden* (68 N. J. L. 691; 54 Atl. 419) 2446, 2448
- Cooper Mfg. Co. v. Ferguson** (113 U. S. 727) 2354
- Cooperrider v. State** (46 Neb. 84; 64 N. W. 372) 2717
- Cope v. Collins** (37 Ark. 649) 1308
- *v. Thames, &c. Dock and R. Co.* (3 Ex. 841) 565
- *v. Wellsville* (25 Weekly Law Bull. 250) 2764
- Copeland v. Packard** (16 Pick. [Mass.] 217) 1632
- *v. Passaic* (36 N. J. Law, 382) 231
- *v. St. Joseph* (126 Mo. 417; 29 S. W. 281) 306, 615, 618, 621, 2385, 2427
- *v. Seattle* (33 Wash. 415; 74 Pac. 582) 3029
- Copes v. Charleston** (10 Rich. [S. Car.] Law, 491) 570, 581, 1524
- Copp v. Neal** (7 N. H. 275) 1598

[References are to pages]

- Coquard *v.* Oquawka (192 Ill. 355; 61 N. E. 660) 537, 1339, 1494, 1498, 1551
- Corbet *v.* Oil City Fuel Supply Co. (21 Pa. Super. Ct. 80) 2211
- *v.* Rocksbury (94 Minn. 397; 103 N. W. 11) 1455, 1458
- Corbett *v.* Duncan (63 Miss. 84) 2793
- *v.* St. Vincent's Industrial School (177 N. Y. 16; 68 N. E. 997, aff'g 79 N. Y. App. Div. 334; 79 N. Y. Supp. 369) 2886, 2898
- *v.* Troy (53 Hun [N. Y.] 228; 6 N. Y. Supp. 381) 3003
- Corbin *v.* American Mills (27 Conn. 274; 71 Am. Dec. 63) 3026
- *v.* Young (24 Kan. 198) 2479
- Corburn *v.* Crittenden (62 Miss. 125) 870
- Corby *v.* Chicago, R. I. & P. R. Co. (150 Mo. 457; 52 S. W. 282) 1988, 2021
- *v.* Hill (4 C. B. N. s. 556) 2978
- Corcoran *v.* Benicia (96 Cal. 1; 30 Pac. 798; 31 Am. St. Rep. 171) 3038, 3045
- *v.* Boston (185 Mass. 325; 70 N. E. 197) 2433
- *v.* Cambridge (199 Mass. 5; 85 N. E. 155; 18 L. R. A. N. s. 187) 2530, 2536, 2583
- *v.* Chicago, M. & N. R. Co. (149 Ill. 291; 37 N. E. 68) 1839
- Cordiell *v.* Frizzell (1 Nev. 130) 719
- Cordilla *v.* Pueblo (34 Colo. 293; 82 Pac. 594) 913
- Corey *v.* Ann Arbor (124 Mich. 134; 82 N. W. 804) 2966, 3019, 3020
- *v.* Ann Arbor (134 Mich. 376; 96 N. W. 477) 3014
- *v.* Fort Dodge (118 Iowa, 742; 92 N. W. 704) 1709, 1744, 1903
- *v.* Fort Dodge (133 Iowa, 666; 111 N. W. 6) 368
- *v.* Rice (4 Lansing [N. Y.] 141) 1834
- Corfield *v.* Coryell (4 Wash. C. C. 380) 2323
- Corlett *v.* Leavenworth (27 Kan. 673) 3001
- Corliss, *In re* (11 R. I. 638; 23 Am. Rep. 538) 640
- *v.* Highland Park (132 Mich. 152; 93 N. W. 610) 2623
- *v.* Highland Park (146 Mich. 597; 110 N. W. 45) 2624
- Cornell *v.* Barnes (1 Denio [N. Y.] 35) 681
- *v.* Coyne (192 U. S. 418) 2320
- *v.* Guilford (1 Denio [N. Y.] 510) 102, 566, 762, 1155, 1180
- *v.* People (107 Ill. 372) 143, 2388, 2390, 2391
- Cornell College *v.* Iowa County (32 Iowa, 520) 2775
- Cornell University *v.* Maumee (68 Fed. Rep. 418) 1375
- Corning *v.* Christ Church (11 N. Y. Supp. 762) 1580
- *v.* Greene (23 Barb. [N. Y.] 33) 129, 133
- *v.* Meade County (102 Fed. Rep. 57) 404, 1413, 1509
- Corning & Co. *v.* Woolner (206 Ill. 190; 69 N. E. 53) 1716, 1719
- Cornish *v.* Pease (19 Me. 184) 832
- *v.* Toronto Street R. Co. (23 Up. Can. C. P. 355) 3018
- Cornman *v.* Eastern Counties R. Co. (4 H. & N. 781) 2969
- *v.* Eastern Counties R. (5 Jur. N. s. 657) 1981
- Cornshock *v.* People (56 Ill. App. 467) 441
- Cornwall *v.* Louisville & N. R. Co. (87 Ky. 72; 7 S. W. 553) 1898
- *v.* Metropolitan Com'rs of Sewers (10 Ex. 771) 1696, 2964, 3029
- Corpus Christi *v.* Central Wharf Co. (8 Tex. Civ. App. 94; 27 S. W. 803) 69, 460, 1583, 1593
- *v.* Woessner (58 Tex. 462) 423, 2679
- Correjolles *v.* Foucher (26 La. An. 362) 2578
- Correll *v.* B. C. R. & M. R. Co. (38 Iowa, 120; 18 Am. Rep. 22) 2067
- Corrigan *v.* Gage (68 Mo. 541) 925, 926
- Corrothers *v.* Clinton Dist. Board of Education (16 W. Va. 527) 2765, 2786
- Corry *v.* Baltimore (196 U. S. 466, aff'g 96 Md. 310; 53 Atl. 942; 103 Am. St. Rep. 364) 2416
- *v.* Gaynor (21 Ohio St. 277) 2594
- *v.* Gaynor (22 Ohio St. 584) 2596
- Corsicana *v.* Anderson (33 Tex. Civ. App. 596; 78 S. W. 261) 1690, 1716, 1717, 1718, 1723, 1736
- *v.* Tobin (23 Tex. Civ. App. 492; 57 S. W. 319) 2963
- *v.* White (57 Tex. 382) 2876
- *v.* Zorn (97 Tex. 317; 78 S. W. 924) 1719, 1737
- Corson *v.* Maryland (120 U. S. 502) 2326, 2474
- *v.* New York (78 N. Y. App. Div. 481; 79 N. Y. Supp. 604) 2960
- *v.* State (57 Md. 251) 2473
- Cortlandt County *v.* Herkimer County (44 N. Y. 22) 765
- Corvalis *v.* Carlile (10 Oreg. 139; 45 Am. Rep. 134) 449, 450, 1695
- Corwein *v.* Hames (11 Johns. [N. Y.] 76) 1124

## TABLE OF CASES CITED

97

[References are to pages]

- Corwin v. Wallace** (17 Iowa, 334) 1193  
**Cory v. Somerset** (44 N. J. L. 445) 1191, 1192  
**Cosby v. Owensboro & R. R. Co.** (10 Bush [Ky.] 288) 1785, 1792, 1933, 1975, 1979, 2014  
**Cosgriff v. Tri-State T. & T. Co.** (15 N. Dak. 210; 107 N. W. 525; 5 L. R. A. N. s. 1142) 1928, 1929  
**Costa v. Cranford** (75 N. J. L. 542; 68 Atl. 160) 1226  
**Costar v. Brush** (25 Wend. [N. Y.] 628) 464, 517  
**Costello v. Doherty** (55 Minn. 77; 56 N. W. 459) 1268  
—— *v. New York* (63 N. Y. 48) 665  
—— *v. State* (108 Ala. 45; 18 So. 820) 1784, 1860, 1862, 1869, 1870  
—— *v. Wyoming* (49 Ohio St. 202; 30 N. E. 613) 265, 274, 279, 297  
**Coster v. Albany** (43 N. Y. 399) 1835, 1842  
**Costich v. Rochester** (68 N. Y. App. Div. 623; 73 N. Y. Supp. 835) 3038  
**Cota v. Buch** (7 Metc. [Mass.] 588; 41 Am. Dec. 464) 1393  
**Cotes v. Davenport** (9 Iowa, 227) 2927, 3046  
**Cotten v. Ellis** (7 Jones L. [N. Car.] 545) 729, 2660  
**Cotter v. Casteel** ([Tex. Civ. App.], 37 S. W. 791) 1214  
—— *v. Doty* (5 Ohio, 394) 953, 956, 957, 960  
—— *v. Philadelphia* (194 Pa. 496; 45 Atl. 336) 1709, 1738  
**Cotting v. Kansas City Stock Yards Co.** (183 U. S. 79; 82 Fed. Rep. 850) 2249, 2254, 2259, 2260, 2267  
—— *v. Kansas City Stock Yards Co.* (79 Fed. Rep. 679) 2226, 2291  
—— *v. Kansas City Stock Yards Co.* (82 Fed. Rep. 839) 2286, 2288, 2291  
**Cotton v. County Com'rs** (6 Fla. 610) 569  
—— *v. Hamilton & T. Ry. Co.* (14 Up. Can. Q. B. 87) 1659  
—— *v. New Providence* (47 N. J. L. 401; 2 Atl. 253) 1430  
—— *v. Phillips* (56 N. H. 220) 725  
—— *v. Wood* (8 C. B. N. s. 568) 1981, 2969  
**Cotzhausen v. Dick** (138 Wis. 127; 119 N. W. 822) 2604  
**Couch v. Kansas City** (127 Mo. 436; 30 S. W. 117) 2831  
**Coughlan v. Cambridge** (166 Mass. 268; 44 N. E. 218) 2882  
**Coughlin v. Gleason** (121 N. Y. 631; 25 N. E. 4) 1197  
**Coughran v. Huron** (17 S. Dak. 271; 96 N. W. 92) 623  
**Cougot v. New Orleans** (16 La. An. 21) 1073, 1076  
**Coulson v. Portland** (Deady, 481) 360, 458, 1657, 2769, 2786, 2788, 2829, 2831  
**Coulter v. Louisville & N. R. Co.** (196 U. S. 599) 2419  
—— *v. Robertson* (24 Miss. 278; 57 Am. Dec. 168) 593, 597  
—— *v. Weir* (127 Fed. Rep. 897) 2344  
**Council Bluffs v. Stewart** (51 Iowa, 385; 1 N. W. 628) 348, 353, 397, 398  
**Counden v. Clerke** (Hobart, 32) 610  
**Counterman v. Dublin Township** (38 Ohio St. 515) 574  
**Courter v. Newark** (54 N. J. L. 325; 23 Atl. 949) 896, 900  
**Courtney v. Louisville** (12 Bush [Ky.] 419) 2428  
**Courtright v. Brooks Tp.** (54 Mich. 182; 19 N. W. 945) 624  
**Cousins v. State** (50 Ala. 113; 20 Am. Rep. 290) 2469  
**Coutieri v. New Brunswick** (44 N. J. L. 58) 284, 286  
**Coventry's Case** (2 Salk. 429) 2724  
**Coverdale v. Charlton**, (L. R. 4 Q. B. Div. 104) 1692, 1772  
—— *v. Edwards* (155 Ind. 374; 58 N. E. 495) 914, 1045, 1916, 1932, 1956, 2137, 2141, 2144, 2151  
**Coverly v. Terminal Warehouse Co.** (70 N. Y. App. Div. 82; 75 N. Y. Supp. 145, aff'd 178 N. Y. 602; 70 N. E. 1097) 509  
**Covill v. Phy** (26 Ill. 432) 1133  
**Covington v. Arthur** ([Ky.], 14 S. W. 121) 2428  
—— *v. Boyle* (6 Bush [Ky.] 204) 914, 2494  
—— *v. Bryant* (7 Bush [Ky.] 248) 2993, 3010, 3032  
—— *v. Casey* (3 Bush [Ky.] 698) 2596, 2598  
—— *v. Commonwealth* (107 Ky. 680, aff'd 173 U. S. 231; 39 S. W. 836) 2435  
—— *v. Dalheim* (126 Ky. 26; 102 S. W. 829) 2476  
—— *v. East St. Louis* (78 Ill. 548) 97, 618, 901, 931  
—— *v. Hall* ([Ky.], 98 S. W. 317) 1898  
—— *v. Hoadley* (83 Ky. 444) 183  
—— *v. Johnson* ([Ky.], 69 S. W. 703) 2984, 2985  
—— *v. Kentucky* (173 U. S. 231) 2432, 2448, 2450  
—— *v. Ludlow* (1 Met. [Ky.] 295) 877, 880, 881, 913  
—— *v. McKenna* (99 Ky. 508; 36 S. W. 518) 359, 412

[References are to pages]

- Covington *v.* Manwaring (113 Ky. 592; 68 S. W. 625) 2999  
 — *v.* Mayberry (9 Bush [Ky.] 304) 740  
 — *v.* Noland ([Ky.], 89 S. W. 216) 1251  
 — *v.* Ratterman (128 Ky. 336; 108 S. W. 297) 2220  
 — *v.* Rockingham (93 N. Car. 134) 2765  
 — *v.* Southgate (15 B. Mon. [Ky.] 491) 2428, 2526  
 — *v.* Woods (98 Ky. 344; 33 S. W. 84) 2472  
 Covington & C. Bridge Co. *v.* Kentucky (154 U. S. 204) 2341  
 Covington & L. Turnpike R. Co. *v.* Sandford (164 U. S. 578) 2226, 2228, 2248, 2265, 2267, 2282, 2448  
 Covington County *v.* Dunklin (52 Ala. 28) 2676  
 — *v.* Kinney (45 Ala. 176) 2950  
 Covington Gas Light Co. *v.* Covington ([Ky.], 58 S. W. 805) 2144, 2186, 2189, 2190  
 Covington S. M. & Mfg. Co. *v.* Drexilius (120 Ky. 493; 87 S. W. 266; 117 Am. St. Rep. 593) 2972, 3028  
 Covington Street R. Co. *v.* Covington (9 Bush [Ky.] 127) 464, 1957, 1970, 1975, 1977  
 — *v.* Packer (9 Bush [Ky.] 455) 1981  
 Cowan *v.* Fulton (23 Gratt. [Va.] 579) 2647  
 Cowan's Case (1 Overton [Tenn.] 311) 1801  
 Coward *v.* Bayonne (67 N. J. L. 470; 51 Atl. 490) 1222  
 Cowden *v.* Kerr (6 Blackf. [Ind.] 280) 484  
 Cowdin *v.* Huff (10 Ind. 83) 728  
 Cowdrey *v.* Canadea (16 Fed. Rep. 532) 570, 584, 1179, 1531  
 Cowen *v.* West Troy (43 Barb. [N. Y.] 48) 926, 1191, 1649, 2608  
 — *v.* Wildwood (60 N. J. L. 365; 38 Atl. 22) 906, 907  
 Cowert, *Ex parte* (92 Ala. 94; 9 So. 225) 986, 997, 1001  
 Cowie *v.* Seattle (22 Wash. 659; 62 Pac. 121) 3000, 3002, 3014, 3020  
 Cowles *v.* Brittain (2 Hawks [N. Car.] 204) 2323  
 — *v.* Gray (14 Iowa, 1) 1722, 1757  
 — *v.* Mercer County (7 Wall. [U. S.] 118) 2810  
 Cowley *v.* Newmarket Local Board (L. R. [1892] App. Cas. 345) 2855  
 — *v.* Rushville (60 Ind. 327) 1013  
 — *v.* Spokane (99 Fed. Rep. 840) 1690, 1704, 2519  
 — *v.* Sunderland (6 H. & N. 565) 2883, 2904, 2906, 2909, 2913, 3057  
 Cox, *In re* (129 Mich. 635; 89 N. W. 440) 936, 939, 977, 1128, 1129  
 — *v.* Abbeville Furniture F. Co. (75 S. Car. 48; 54 S. E. 830) 2212  
 — *v.* Burlington (43 Iowa, 612) 734  
 — *v.* Cynthiana (123 Ky. 363; 96 S. W. 456) 2208  
 — *v.* Des Moines (111 Iowa, 646; 82 N. W. 993) 3000  
 — *v.* Griffin (18 Ga. 728) 1756, 1786  
 — *v.* Jones (73 N. H. 504; 63 Atl. 178) 1235  
 — *v.* Louisville, N. A. & C. R. Co. (48 Ind. 178) 1663, 1688, 1700, 1767, 2000, 2010, 2013  
 — *v.* Malden & M. Gas Light Co. (199 Mass. 324; 85 N. E. 180; 17 L. R. A. n. s. 1235) 2221  
 — *v.* New York (103 N. Y. 519; 9 N. E. 48) 729  
 — *v.* St. Louis (11 Mo. 431) 979, 980  
 — *v.* Westchester Turnp. Co. (33 Barb. [N. Y.] 414) 2972  
 Coy *v.* Indianapolis Gas Co. (146 Ind. 655; 46 N. E. 17) 2205, 2210  
 — *v.* Lyons (17 Iowa, 1; 85 Am. Dec. 539) 2676, 2678, 2679, 2680, 2692  
 Coykendall *v.* Hood (36 N. Y. App. Div. 558; 55 N. Y. Supp. 718) 990  
 Coyle *v.* McIntire (7 Houst. [Del.] 44; 30 Atl. 728) 157, 201  
 Cozzens *v.* Nason (109 Mass. 275) 1101  
 Craft *v.* Jackson County (5 Kan. 518) 2775  
 — *v.* Kochersperger (173 Ill. 617; 50 N. E. 1061) 2629  
 Crafter *v.* Metropolitan R. Co. (L. R. 1 C. P. 300) 2964, 2969  
 Crafts *v.* Ray (22 R. I. 179; 46 Atl. 1043; 49 L. R. A. 604) 2401  
 Craig *v.* Andes (93 N. Y. 405) 1429, 1539  
 — *v.* Burnett (32 Ala. 728) 771  
 — *v.* Charleston (180 Ill. 154; 54 N. E. 184; s. c. 78) Ill. App. 312) 2883  
 — *v.* First Presbyterian Church (88 Pa. St. 42; 32 Am. Rep. 417) 655, 656, 1032  
 — *v.* Leitensdorfer (123 U. S. 209) 2646  
 — *v.* Mason (64 Mo. App. 342) 1299  
 — *v.* People (193 Ill. 199; 61 N. E. 1072) 2452  
 — *v.* Philadelphia (89 Pa. 265) 2570  
 — *v.* Rochester City & B. R. Co. (39 N. Y. 404) 1829, 1909, 2001, 2007, 2024  
 — *v.* Russellville Waterworks Imp. Dist. (84 Ark. 390; 105 S. W. 867) 2373  
 — *v.* Secrist (54 Ind. 419) 1577

## TABLE OF CASES CITED

99

[References are to pages]

- Craig v. Sedalia** (63 Mo. 417) 2974,  
2991, 2992, 2998, 3000, 3003  
— *v. Vicksburg* (31 Miss. 216) 1325  
**Craigie v. New York** (114 N. Y.  
App. Div. 880; 100 N. Y. Supp.  
197) 803, 812  
**Cram v. Laconia** (71 N. H. 41; 51  
Atl. 635; 57 L. R. A. 282) 1842, 1843  
**Cramer v. Burlington** (45 Iowa,  
627) 3019  
— *v. Charleston* (176 Ill. 507; 52  
N. E. 73) 2453  
**Crampton v. Zabriskie** (101 U. S.  
601) 1548, 2767, 2783  
**Crandall v. Amador** (20 Cal. 72) 2651  
— *v. Nevada* (6 Wall. [U. S.] 35)  
2320, 2337  
**Crane, In re** (5 Pet. [U. S.] 190) 2647  
— *Matter of* (12 N. Y. App.  
Div. 271; 42 N. Y. Supp. 904,  
aff'd 159 N. Y. 557; 54 N. E.  
1089) 1569  
— *v. Des Moines* (47 Iowa,  
105) 734  
— *v. Fond du Lac* (16 Wis. 196)  
1586, 2676  
— *v. Hyde Park* (135 Mass.  
147) 1564  
— *v. Janesville* (20 Wis. 305) 2451  
— *v. Roselle* (236 Ill. 97; 86 N.  
E. 181) 3053  
— *v. Siloam Springs* (67 Ark. 30;  
55 S. W. 955) 2373  
— *v. Urbanna* (2 Ill. App. 559)  
1250  
— *v. West Chicago Park Com'rs*  
(153 Ill. 348; 38 N. E. 943; 26 L.  
R. A. 311) 2546, 2583  
**Cranford v. Brooklyn** (13 N. Y.  
App. Div. 151; 43 N. Y. Supp.  
246) 1276  
**Crangle v. Harrisburg** (1 Pa. 132) 1663  
**Cranor v. Albany** (43 Oreg. 144; 71  
Pac. 1042) 1128  
**Cranston v. Augusta** (61 Ga. 572) 554,  
1100, 2884  
**Crapo v. Syracuse** (183 N. Y. 395;  
76 N. E. 465) 2816, 2818  
**Craw v. Tolono** (96 Ill. 255; 36 Am.  
Rep. 143) 2545, 2549, 2550, 2595,  
2627  
**Crawford v. Burrell** (53 Pa. 219) 2444,  
2445  
— *v. Crow* (114 Ga. 282; 40 S.  
E. 286) 2460  
— *v. Delaware* (7 Ohio St. 459) 2000,  
2930  
— *v. Griffin* (113 Ga. 562; 38 S.  
E. 988) 2975  
— *v. Mason* (123 Iowa, 301; 98  
N. W. 795) 1252  
— *v. Mobile & G. R. Co.* (76 Ga.  
405) 1754  
**Crawford v. New York** (174 N. Y.  
518; 66 N. E. 1106) 2967  
— *v. New York* (68 N. Y. App.  
Div. 107; 74 N. Y. Supp. 261) 2967  
— *v. Noble County* (8 Okla. 450;  
58 Pac. 616) 1284, 1294, 1296, 1298  
— *v. Powell* (2 Burr. 1013) 886  
— *v. Topeka* (51 Kan. 756; 33  
Pac. 476; 20 L. R. A. 692; 37  
Am. St. Rep. 323) 1064, 1066, 1067,  
1068  
— *v. Wilson & B. Mfg. Co.* (8  
N. Y. Misc. 48; 28 N. Y. Supp.  
514) 3000  
**Crawford County v. Iowa County**  
(2 Chand. [Wis.] 14) 621  
— *v. Laub* (110 Iowa, 355; 81  
N. W. 590) 2479  
— *v. Wilson* (7 Ark. 214) 1292, 1300,  
1309  
**Crawfordsville v. Bond** (96 Ind.  
236) 3037, 3049, 3054  
— *v. Braden* (130 Ind. 149; 28  
N. E. 849; 14 L. R. A. 268; 30  
Am. St. Rep. 214) 896, 1105, 2109,  
2117, 2120  
— *v. Smith* (79 Ind. 308; 41 Am.  
Rep. 612) 2977, 2978  
**Crawfordsville Music Hall Assoc.  
v. Clements** (12 Ind. App. 464;  
39 N. E. 540) 2616  
**Crawshaw v. Roxbury** (7 Gray  
[Mass.] 374) 550, 552, 1190  
**Craycraft v. Selvage** (73 Ky. 696;  
10 Bush [Ky.] 696) 1155, 1251, 1258,  
2479, 2497, 2584  
**Creal v. Keokuk** (4 G. Green  
[Iowa] 47) 1821, 2927  
**Creamer v. Bates** (49 Mo. 523) 1249  
— *v. Bremen* (91 Me. 508; 40  
Atl. 555) 2828  
**Crebs v. Lebanon** (98 Fed. Rep.  
549) 359, 895, 950  
**Creighton v. Manson** (27 Cal. 613) 893,  
897, 910, 2502, 2594  
— *v. Piper* (14 Ind. 182) 667  
— *v. San Francisco* (42 Cal. 446)  
144, 222, 224, 2654  
— *v. Scott* (14 Ohio St. 438) 1812,  
2494, 2584  
— *v. Toledo* (18 Ohio St. 447) 1250  
**Creote v. Chicago** (56 Ill. 422) 2544  
**Crepps v. Durden** (Cowp. 640) 956  
**Crescent v. Anderson** (114 Pa. St.  
643; 8 Atl. 379) 3001  
**Crescent City G. L. Co. v. New  
Orleans G. L. Co.** (27 La. An.  
138) 1907, 1993, 2117, 2136, 2137,  
2157  
**Cresler v. Asheville** (134 N. Car.  
311; 46 S. E. 738) 2967  
**Cresson's Appeal** (30 Pa. St. 437)  
1570



[References are to pages]

- Creston Waterworks Co. v. Creston* (101 Iowa, 687; 70 N. W. 789) 357, 362, 2297
- Crete v. Childs* (11 Neb. 252; 9 N. W. 55) 3004
- Cribbs v. Benedict* (64 Ark. 555; 44 S. W. 707) 2373
- Crichfield v. Bermudez Pav. Co.* (174 Ill. 466; 51 N. E. 552; 42 L. R. A. 347) 892, 2491
- Cricket v. State* (18 Ohio St. 9) 1311
- Crim v. San Francisco* (152 Cal. 279; 92 Pac. 640) 2815, 2817
- Cripple Creek v. Adams* (36 Colo. 320; 85 Pac. 184) 1325, 1398, 1464
- *v. People* (19 Colo. App. 390; 75 Pac. 600) 649, 650, 842
- *v. People* (19 Colo. App. 399; 75 Pac. 603) 2668
- Crissey v. Hestonville, M. & F. Pass. R. Co.* (75 Pa. St. 83) 2977
- Crist v. Brownsville* (10 Ind. 452) 849
- Crites v. New Richmond* (98 Wis. 55; 73 N. W. 322) 3020
- Crocker v. Collins* (37 S. Car. 327; 15 S. E. 951; 34 Am. St. Rep. 752) 1897, 1903
- *v. Hartford* (66 Conn. 387; 34 Atl. 98) 2814, 2815, 2819
- *v. Moore* (140 N. Car. 429; 53 S. E. 229) 2460
- Crockett v. Boston* (5 Cush. [Mass.] 182) 1633, 1745
- Croft v. Peterborough* (5 Up. Can. C. P. 35) 905, 3044
- *v. State* (24 Ark. 550) 764
- Croft v. Danbury* (65 Conn. 294; 32 Atl. 365) 449, 551
- Crogster v. Bayfield County* (99 Wis. 1; 74 N. W. 635; 77 N. W. 167) 384, 398
- Croker v. Camden Excise Com'rs* (73 N. J. L. 460; 63 Atl. 901) 946, 947
- Croly v. Sacramento* (119 Cal. 229; 51 Pac. 323) 784, 785, 810
- Cromarty v. Boston* (127 Mass. 329; 34 Am. Rep. 381) 2984
- Cromer v. Logansport* (30 Ind. App. 661; 78 N. E. 1045) 3042
- Crommett v. Pearson* (18 Me. 344) 848, 881
- Cromwell v. Brown Stone Q. Co.* (50 Conn. 470) 1758, 1837, 1839
- *v. Sac County* (96 U. S. 51) 1350, 1351, 1352, 1397, 1421, 1475
- *v. Sonoma County* (25 Cal. 315) 2852, 2853, 2855, 2857, 2858, 3011
- Cronan v. Municipality* (5 La. An. 537) 1248
- Cronin v. Adams* (192 U. S. 108) 1016, 1020
- Cronin v. Delavan* (50 Wis. 375; 7 N. W. 249) 2976
- *v. Jersey City* (38 N. J. L. 410) 2537, 2538
- *v. Patrick County* (89 Fed. Rep. 79) 1531
- *v. People* (82 N. Y. 318; 37 Am. Rep. 564, aff'd 20 Hun [N. Y.] 137) 914, 924, 932, 1002, 1028, 1048
- Cronly v. Tucson* (6 Ariz. 235; 56 Pac. 876) 654, 1385
- Crook v. People* (106 Ill. 237) 443, 721, 2734
- Crookall v. Matthews* (61 N. J. L. 349; 39 Atl. 659, aff'd 62 N. J. L. 799; 42 Atl. 1051) 269, 319, 327
- Crooke v. Flatbush Water Co.* (27 Hun [N. Y.] 72) 1910
- *v. Flatbush Water Co.* (29 Hun [N. Y.] 245) 1910
- Croome, In re* (6 Ont. Rep. 188) 903
- Crosby v. New London, W. & P. R. R. Co.* (26 Conn. 121) 1545
- *v. Warren* (1 Rich. [S. Car.] Law, 385) 953, 960, 1035
- Cross, Ex parte* (44 Tex. Crim. Rep. 376; 71 S. W. 289) 926, 972
- *v. Kansas City* (90 Mo. 13; 1 S. W. 749; 59 Am. Rep. 1) 1821, 2606, 2923
- *v. Milwaukee* (19 Wis. 509) 2441, 2442
- *v. Morristown* (18 N. J. Eq. 305) 446, 897, 1096, 1195, 1802, 1890, 1897, 2451, 2748
- *v. Plymouth County* (125 Mass. 557) 1682
- *v. St. Louis, K. C. & N. R. Co.* (77 Mo. 318) 2010, 2011, 2021, 2022
- Crossett v. Janesville* (28 Wis. 420) 2866, 2874, 2922, 2933, 2936
- Crouch v. McKinney* (47 Tex. Civ. App. 54; 104 S. W. 518) 2120, 2161
- Crovatt v. Mason* (101 Ga. 246; 28 S. E. 891) 257, 261, 280
- Crow v. Oxford* (119 U. S. 215) 1349, 1523, 1524
- *v. Warren County* (118 Ind. 51; 20 N. E. 642) 1589
- Crowder v. Sullivan* (128 Ind. 486; 28 N. E. 94; 13 L. R. A. 647) 350, 362
- *v. Tinkler* (19 Ves. 617) 1039
- Crowell v. Sonoma County* (25 Cal. 313) 2852, 2853, 2855, 2857, 2858, 3011
- Crowley v. Burlington, C. R. & N. R. Co.* (65 Iowa, 658; 20 N. W. 467; 22 N. W. 918) 1091, 2067
- *v. Christensen* (137 U. S. 86) 1016



## TABLE OF CASES CITED

101

[References are to pages]

- Crowley v. Copley** (2 La. An. 329) 2565  
 — *v. Davis* (63 Cal. 460) 2012  
 — *v. Ellsworth* (114 La. 308; 38 So. 199) 914, 919, 924  
 — *v. Rochester Fire Works Co.* (183 N. Y. 353; 76 N. E. 470, rev'g 95 N. Y. App. Div. 13; 88 N. Y. Supp. 483) 1865, 2982  
 — *v. Rucker* (107 La. 213; 31 So. 629) 1072  
**Crowninshield v. Cayuga County** (124 N. Y. 583; 27 N. E. 242) 2781  
**Croxall v. Sherard** (5 Wall. [U. S.] 268) 1526  
**Croy v. Obion County** (104 Tenn. 525; 58 S. W. 235; 78 Am. St. Rep. 931) 2328  
**Croydon Hospital v. Farley** (6 Taunton, 467) 610  
**Crudup v. Ramsey** (54 Ark. 168; 15 S. W. 458) 1312  
 — *v. Richardson* (61 Ark. 259; 32 S. W. 684) 1308  
**Cruger, Matter of** (84 N. Y. 619) 2528  
 — *v. Hudson R. R. Co.* (12 N. Y. 190) 1648, 1668, 1671  
**Cruikshanks v. Charleston** (1 McCord [S. Car.] 360) 1665, 2405  
**Crum v. Bliss** (47 Conn. 592) 1905  
**Crumley v. Watauga Water Co.** (99 Tenn. 420; 41 S. W. 1058) 2205, 2222  
**Crump v. Colfax County** (52 Miss. 107) 1185  
 — *v. Lambert* (L. R. 3 Eq. 409) 1052  
**Cruse v. State** (52 Neb. 831; 73 N. W. 212) 2667  
**Crutcher v. Kentucky** (141 U. S. 47, rev'g 89 Ky. 6; 12 S. W. 141) 2330, 2331, 2332, 2343, 2357  
**Crystal v. Des Moines** (65 Iowa, 502; 22 N. W. 646) 2974, 2991  
**Cuba v. Mississippi Cotton Oil Co.** (150 Ala. 259; 43 So. 706; 10 L. R. A. n. s. 310) 1035, 1038, 1042, 1045, 1047, 1061  
**Cubit v. O'Dett** (51 Mich. 347; 16 N. W. 679) 773  
**Cuckfield Burial Board, In re** (19 Beav. 153) 1658  
**Cuddon v. Eastwick** (1 Salk. 143) 952  
**Cuff v. Newark** (35 N. J. L. 17; 10 Am. Rep. 205) 3025  
**Culberson v. Alexander** (17 Okla. 370; 87 Pac. 863) 1863  
**Culbertson v. Cincinnati** (16 Ohio, 579) 2775  
 — *v. Fulton* (127 Ill. 30; 18 N. E. 781) 385, 403, 405, 437  
**Cullen v. Carthage** (103 Ind. 196; 2 N. E. 571; 196 Am. Rep. 504) 563, 564, 1247  
**Cullen v. Glendora Water Co.** (113 Cal. 503; 39 Pac. 769) 376  
**Culmer v. Salt Lake City** (27 Utah, 252; 75 Pac. 620) 1709, 1714  
**Culpeper County v. Gorrell** (20 Gratt. [Va.] 484) 2800  
**Culver v. Chicago** (171 Ill. 399; 49 N. E. 573) 2453  
 — *v. Jersey City* (45 N. J. L. 256) 2224, 2537  
 — *v. People* (161 Ill. 89; 43 N. E. 812) 2452, 2454, 2623  
 — *v. Streator* (130 Ill. 238; 22 N. E. 810; 6 L. R. A. 270) 2883, 2884  
 — *v. Yonkers* (80 N. Y. App. Div. 309; 80 N. Y. Supp. 1034, aff'd 180 N. Y. 524; 72 N. E. 1141) 1809  
**Culverson v. Maryville** (67 Mo. App. 343) 3002  
**Cumberland v. Magruder** (34 Md. 381) 446, 548, 583  
 — *v. Willison* (50 Md. 138) 2883, 2914, 2917, 2918, 2935, 3036, 3038  
**Cumberland County v. Pennell** (69 Me. 357; 31 Am. Rep. 284) 763  
 — *v. Randolph* (89 Va. 614; 16 S. E. 722) 1350, 1397, 1526  
**Cumberland & O. R. Co. v. Barren Co. Court** (10 Bush [Ky.] 604) 195, 1513  
 — *v. Washington County* (10 Bush [Ky.] 564) 1535  
**Cumberland & P. R. Co. v. State** (92 Md. 668; 48 Atl. 503) 2339  
**Cumberland Tel. & Tel. Co. v. Avritt** (120 Ky. 34; 85 S. W. 204) 1929, 1930  
 — *v. Evansville* (127 Fed. Rep. 187, aff'd 143 Fed. Rep. 238) 1924  
 — *v. United El. R. Co.* (42 Fed. Rep. 273) 1927, 1986  
 — *v. United Elect. R. Co.* (93 Tenn. 492; 29 S. W. 104) 1987, 2007  
**Cuming v. Grand Rapids** (46 Mich. 150; 9 N. W. 141) 2585  
 — *v. Prang* (24 Mich. 514) 1816, 1826  
**Cumming v. Brooklyn** (11 Paige [N. Y.] 596) 733, 1252, 1665, 2627  
 — *v. Savannah* (R. M. Charlt. [Ga.] 26) 2476  
**Cummings v. Chicago** (188 U. S. 410) 498, 502  
 — *v. Chicago* (144 Ill. 563; 33 N. E. 854) 257, 260, 280, 295  
 — *v. Dixon* (139 Mich. 269; 102 N. W. 751) 1821, 2920, 2928  
 — *v. Hartford* (70 Conn. 115; 38 Atl. 916) 3019

## TABLE OF CASES CITED

[References are to pages]

- Cummings v. Hyatt* (54 Neb. 35; 74 N. W. 411) 1361
- *v. Huse & L. I. & T. Co.* (156 Mo. 28; 56 S. W. 282) 477, 509
- *v. New Rochelle* (38 N. Y. App. Div. 583; 56 N. Y. Supp. 704) 2991
- *v. St. Louis* (90 Mo. 259; 2 S. W. 130) 1758, 2766
- *v. Saux* (30 La. An. 207) 1150
- *v. Toledo* (12 Ohio Cir. Ct. 650) 3039, 3042
- *v. West Chicago Park Com'rs* (181 Ill. 136; 54 N. E. 941) 2598
- *v. Williamsport* (84 Pa. 472) 1674
- Cummings Realty & Inv. Co. v. Deere* (208 Mo. 66; 106 S. W. 496) 1843, 1844
- Cummins v. Barkalow* (4 Keyes [N. Y.] 514) 1152
- *v. Seymour* (79 Ind. 491; 41 Am. Rep. 618) 1782, 3025, 3049
- Cunningham v. Almonte* (21 Up. Can. C. P. 459) 920
- *v. Cambridge* (188 Mass. 556; 74 N. E. 925) 803
- *v. Cleveland* (98 Fed. Rep. 657) 362, 2152, 2166, 2295, 2683
- *v. Cleveland* (152 Fed. Rep. 907) 2683
- *v. Denver* (23 Colo. 18; 45 Pac. 356; 58 Am. St. Rep. 212) 2814, 3014
- *v. Fitzgerald* (138 N. Y. 165; 33 N. E. 840; 20 L. R. A. 244) 1824
- *v. Seattle* (40 Wash. 59; 82 Pac. 143; 4 L. R. A. N. s. 629) 2894
- *v. Snow* (82 Mo. 587) 1899
- *v. Squires* (2 W. Va. 422; 98 Am. Dec. 770) 1135, 2793, 2794
- *v. Thief River Falls* (84 Minn. 21; 86 N. W. 763) 2960, 2969, 3019
- Curnen v. New York* (79 N. Y. 511) 765
- Curran, Matter of* (38 N. Y. App. Div. 82; 55 N. Y. Supp. 1018) 1819
- Curran v. Arkansas* (15 How. [U. S.] 312) 593, 597
- *v. Boston* (151 Mass. 505; 24 N. E. 781; 8 L. R. A. 243; 21 Am. St. Rep. 465) 2886
- *v. Louisville* (83 Ky. 628) 1642, 1892
- *v. Shattuck* (24 Cal. 427) 1661
- Currie v. Atlantic City* (66 N. J. L. 671; 50 Atl. 504, rev'g 66 N. J. L. 140; 48 Atl. 615) 1963, 1968
- *v. Consolidated R. Co.* (81 Conn. 384; 71 Atl. 356) 2006
- *v. School Dist.* (35 Minn. 163; 27 N. W. 922) 1147, 1149
- *v. Waverly & N. Y. B. R. Co.* (52 N. J. L. 381, 392; 20 Atl. 56; 19 Am. St. Rep. 452) 1678
- Currier v. Concord* (68 N. H. 294; 44 Atl. 386) 2820
- *v. Lowell* (16 Pick. [Mass.] 170) 3034, 3035
- Curry v. Buffalo* (135 N. Y. 366; 32 N. E. 80; s. c. 57 Hun [N. Y.] 25; 10 N. Y. Supp. 392) 2814, 2816, 2818
- *v. Decatur County* (61 Iowa, 71; 15 N. W. 602) 2789
- *v. Dist. of Columbia* (14 App. D. C. 423) 1856
- *v. Mannington* (23 W. Va. 14) 2991, 3020, 3024
- *v. Mobile Bank* (8 Porter [Ala.] 361) 630
- *v. Mt. Sterling* (15 Ill. 320) 1644, 1649, 1820
- *v. Savannah* (64 Ga. 290; 37 Am. Rep. 74) 1586, 1588
- *v. Sioux City District Tp.* (62 Iowa, 102; 17 N. W. 191) 60, 66
- *v. Stewart* (8 Bush [Ky.] 560) 728
- Curtenius v. Grand Rapids & Ind. R. Co.* (37 Mich. 583) 2763
- Curtice v. Schmidt* (202 Mo. 703; 101 S. W. 61) 2634
- Curtis v. Butler County* (24 How. [U. S.] 435) 582, 849, 1331
- *v. Fiedler* (2 Black. [U. S.] 461) 1188
- *v. Keesler* (14 Barb. [N. Y.] 521) 1690
- *v. Leavitt* (15 N. Y. 9) 523, 524
- *v. Portland* (59 Me. 483) 1174
- *v. Portsmouth* (67 N. H. 506; 39 Atl. 439) 1171, 1595
- *v. St. Paul, S. & T. F. R. Co.* (20 Minn. 28) 1682
- *v. Topeka Board of Education* (43 Kan. 138; 23 Pac. 98) 1563
- *v. Whipple* (24 Wis. 350; 1 Am. Rep. 187) 579, 1363
- Curwen v. Salkeld* (3 East, 538) 1074
- Cusack v. Board of Education* (174 N. Y. 136; 66 N. E. 677, rev'g 78 N. Y. App. Div. 470; 79 N. Y. Supp. 803) 805
- Cushing v. Adams* (18 Pick. [Mass.] 110) 1858
- *v. Bedford* (125 Mass. 526) 2970, 2977
- *v. Boston* (122 Mass. 173; s. c. 124 Mass. 434; 128 Mass. 330; 35 Am. Rep. 383) 1877
- *v. Frankfort* (57 Me. 541) 816, 842
- Cushman v. Smith* (34 Me. 247) 1659
- Cusick v. Norwich* (40 Conn. 376) 1825, 3020
- Custer v. New Philadelphia* (20 Ohio Cir. Ct. R. 177) 2838, 2841, 2950

# TABLE OF CASES CITED

103

[References are to pages]

<b>Custer County Bank v. Custer County</b> (18 S. Dak. 274; 100 N. W. 424) 2650	<b>Dallas v. Beeman</b> (23 Tex. Civ. App. 315; 55 S. W. 762) 628
<b>Cutcher v. Detroit</b> (139 Mich. 186; 102 N. W. 629) 3015, 3034	— <b>v. Brown</b> (10 Tex. Civ. App. 612; 31 S. W. 298) 373, 425
<b>Cutcomp v. Utt</b> (60 Iowa, 156; 14 N. W. 214) 906	— <b>v. Cooper</b> ([Tex. Civ. App.], 34 S. W. 322) 3039, 3042
<b>Cuthbert v. Conley</b> (32 Ga. 211) 1012	— <b>v. Ellison</b> (10 Tex. Civ. App. 28; 30 S. W. 1128) 2451, 2570, 2606
— <b>v. Lewis</b> (6 Ala. 262) 2676	— <b>v. Emerson</b> ([Tex. Civ. App.], 36 S. W. 304) 2451, 2623
<b>Cuthbut v. Commonwealth</b> (85 Va. 899; 9 S. E. 16) 2439	— <b>v. Gibbs</b> (27 Tex. Civ. App. 275; 65 S. W. 81) 1730, 1736
<b>Cutler v. Madison County</b> (56 Miss. 115) 1405, 1464	— <b>v. Jones</b> (93 Tex. 38; 49 S. W. 577; 53 S. W. 377) 3014
— <b>v. Russellville</b> (40 Ark. 105) 873	— <b>v. Jones</b> ([Tex. Civ. App.], 54 S. W. 606) 2985
<b>Cutliff v. Albany</b> (60 Ga. 597) 2470	— <b>v. Loonie</b> (83 Tex. 291; 18 S. W. 726) 1588
<b>Cutter v. Cambridge</b> (6 Allen [Mass.] 20) 1898	— <b>v. McAllister</b> ([Tex. Civ. App.], 39 S. W. 173) 3020
<b>Cutting, In re</b> (94 U. S. 14) 2647	— <b>v. Meyers</b> ([Tex. Civ. App.], 55 S. W. 742) 3019, 3028
— <b>v. Florida R. &amp; N. Co.</b> (46 Fed. Rep. 641) 2335	— <b>v. Miller</b> (7 Tex. Civ. App. 503; 27 S. W. 498) 378
— <b>v. Stone</b> (7 Vt. 471) 611	— <b>v. Moore</b> ([Tex. Civ. App.], 74 S. W. 95) 2974, 2975, 2998, 3002, 3014, 3020
<b>Cuyler v. Rochester</b> (12 Wend. [N. Y.] 165) 1180, 2872, 2873	— <b>v. Muncton</b> (37 Tex. Civ. App. 112; 83 S. W. 431) 3003
<b>Cynthiana v. Bd. of Education</b> ([Ky.], 52 S. W. 969) 635, 644	— <b>v. Schultz</b> ([Tex. Civ. App.], 27 S. W. 292) 3038
<b>Daggett v. Lynch</b> (18 Utah, 49; 54 Pac. 1095) 345, 1318	— <b>v. Webb</b> (22 Tex. Civ. App. 48; 54 S. W. 398) 2984, 3055
<b>Daggs v. Orient Ins. Co.</b> (136 Mo. 382; 38 S. W. 85; 35 L. R. A. 227; 58 Am. St. Rep. 638, aff'd 172 U. S. 557) 2353	— <b>v. Western Electric Co.</b> (83 Tex. 243; 18 S. W. 552) 334
<b>Dahlman v. Milwaukee</b> (130 Wis. 468; 110 N. W. 483) 2637, 2641	— <b>v. Young</b> ([Tex. Civ. App.], 28 S. W. 1036) 3044
— <b>v. Milwaukee</b> (131 Wis. 427; 110 N. W. 479; 111 N. W. 675) 2637	<b>Dallas County v. McKenzie</b> (110 U. S. 686) 1461
<b>Daily v. Columbus</b> (49 Ind. 169) 526, 1345	<b>Dallas Elect. Co. v. Dallas</b> (23 Tex. Civ. App. 323; 58 S. W. 153) 362
— <b>v. Essex County</b> (58 N. J. L. 319; 33 Atl. 739) 2796	<b>Dalrymple v. Milwaukee</b> (53 Wis. 178; 10 N. W. 141) 2484, 2491
— <b>v. State</b> (8 Blackf. [Ind.] 329) 667, 725	— <b>v. Whittingham</b> (26 Vt. 345) 1292
— <b>v. State</b> (51 Ohio St. 348; 37 N. E. 710; 46 Am. St. Rep. 578) 1096, 1098, 1928, 1931	<b>Dalton, In re</b> (61 Kan. 257; 59 Pac. 336) 143, 209
— <b>v. Swope</b> (47 Miss. 367) 2381, 2503	— <b>v. North Hampton</b> (19 N. H. 362) 1670
— <b>v. Worcester</b> (131 Mass. 452) 3032	— <b>v. Poplar Bluff</b> (173 Mo. 39; 72 S. W. 1068) 896
<b>Dair v. United States</b> (16 Wall. [U. S.] 1) 680	— <b>v. Southeastern R. Co.</b> (4 C. B. n. s. 296) 3005
<b>Dakota Cent. Tel. Co. v. Huron</b> (165 Fed. Rep. 226) 1948, 1955	— <b>v. Wilson</b> (118 Ga. 100; 44 S. E. 830) 2838, 2842
<b>Dakota County v. Bartlett</b> (67 Neb. 62; 93 N. W. 192) 1305	<b>Daly v. Georgia, S. &amp; F. R. Co.</b> (80 Ga. 793; 7 S. E. 146; 12 Am. St. Rep. 286) 1974
<b>Dale v. Irwin</b> (78 Ill. 170) 2459	— <b>v. Gubbins</b> (35 Ind. App. 86; 73 N. E. 833) 2608
<b>Dale County v. Gunter</b> (46 Ala. 118) 2850	— <b>v. Morgan</b> (69 Md. 460; 16 Atl. 287; 1 L. R. A. 757) 2427
<b>Daley v. Watertown</b> (192 Mass. 116; 78 N. E. 143) 1809	— <b>v. New Haven</b> (69 Conn. 644; 38 Atl. 397) 2880, 2882
<b>Dallam v. Oliver</b> (3 Gill [Md.] 445) 2487	
<b>Dallas v. Atkins</b> ([Tex. Civ. App.], 32 S. W. 780) 2606	

[References are to pages]

- Dalzell *v.* Davenport (12 Iowa, 437) 2927, 2936  
 D'Amico *v.* Boston (176 Mass. 599; 58 N. E. 158) 2975  
 Dammann *v.* St. Louis (152 Mo. 186; 53 S. W. 932) 2910, 3053  
 Damodhar Gordhani *v.* Deoran Kanji (L. R. 1 App. Div. 332) 100  
 Damon *v.* Granby (2 Pick. [Mass.] 345) 128, 827, 845, 847, 848, 849, 870, 1174, 1175, 1177  
 — *v.* Scituate (119 Mass. 66; 20 Am. Rep. 315) 3000, 3018  
 Damour *v.* Lyons (44 Iowa, 276) 1823, 1979, 2882, 3046  
 Dana, *In re* (7 Benedict, 1) 1134  
 — *v.* Jackson St. Wharf Co. (31 Cal. 118; 89 Am. Dec. 164) 475, 492, 1561  
 — *v.* San Francisco (19 Cal. 486) 531, 1299  
 Danaher *v.* Brooklyn (51 Hun [N. Y.] 563; 4 N. Y. Supp. 312, aff'd 119 N. Y. 241; 23 N. E. 745; 7 L. R. A. 592) 2915  
 Danbury & N. R. Co. *v.* Norwalk (37 Conn. 109) 1043, 3054  
 Dancer *v.* Mannington (50 W. Va. 322; 40 S. E. 475) 463, 2529, 2596  
 Dancy *v.* Clark (24 App. D. C. 487) 2707  
 Dancy Drainage Dist., *In re* (129 Wis. 129; 108 N. W. 202) 1618  
 Dane *v.* Derby (54 Me. 95; 89 Am. Dec. 722) 2721, 2728  
 Danforth *v.* Bangor (85 Me. 423; 27 Atl. 268) 1716, 1742, 1806  
 — *v.* Durell (8 Allen [Mass.] 242) 1696  
 — *v.* Hinsdale (177 Ill. 579; 52 N. E. 877) 2623  
 — *v.* McCook County (11 S. Dak. 258; 76 N. W. 940; 74 Am. St. Rep. 808) 2478  
 — *v.* Schoharie Turnp. Co. (12 Johns. [N. Y.] 227) 1184  
 — *v.* Williams (9 Mass. 324) 2484  
 Daniel *v.* Askew (36 Ark. 487) 1314  
 — *v.* Columbus (8 Ohio Cir. Ct. R. 642, aff'd 53 Ohio St. 658; 44 N. E. 1150) 2376  
 — *v.* Memphis (11 Humph. [Tenn.] 585) 235, 443, 1247  
 — *v.* New Orleans (26 La. An. 1) 2596  
 — *v.* North (11 East, 375) 1793  
 — *v.* Potter (4 C. & P. 262) 3029  
 — *v.* Richmond (78 Ky. 542) 2476  
 — *v.* Sinclair (L. R. 6 App. Cases, 181) 2834  
 Daniel Ball, The (10 Wall. [U. S.] 557) 2335  
 Danielly *v.* Cabaniss (52 Ga. 211) 233, 458, 1362, 1545  
 Daniels *v.* Burford (10 Up. Can. Q. B. 478) 762, 905, 2758  
 — *v.* Chicago & N. W. R. Co. (35 Iowa, 129; 14 Am. Rep. 490) 1659  
 — *v.* Denver (2 Colo. 669) 3049, 3050  
 — *v.* Hathaway (65 Vt. 247; 26 Atl. 970; 21 L. R. A. 377) 768, 771  
 — *v.* Hilgard (77 Ill. 640) 559  
 — *v.* Long (111 Mich. 562; 69 N. W. 1112) 660  
 — *v.* Newbold (125 Iowa, 193; 100 N. W. 1119) 816  
 — *v.* Racine (98 Wis. 649; 74 N. W. 553) 2815, 2816, 2861  
 — *v.* Wilson (27 Wis. 492) 1747  
 Danker *v.* Goodwin Mfg. Co. (102 Mo. App. 723; 77 S. W. 338) 979  
 Danley *v.* Whiteley (14 Ark. 687) 2660  
 D'Antignac *v.* Augusta (31 Ga. 700) 2451  
 Dantzeiser *v.* Cook (40 Ind. 65) 3013, 3014  
 Dantzer *v.* Indianapolis Union R. Co. (141 Ind. 604; 39 N. E. 223; 34 L. R. A. 769) 1841, 1843  
 Danville *v.* Boyle County (106 Ky. 608; 51 S. W. 157) 1801  
 — *v.* Danville Water Co. (178 Ill. 299; 53 N. E. 118; 69 Am. St. Rep. 304) 2231, 2243  
 — *v.* Danville Water Co. (180 Ill. 235; 54 N. E. 224) 424, 1319, 2117, 2229, 2231, 2233, 2243, 2294  
 — *v.* Hatcher (101 Va. 523; 44 S. E. 723) 987  
 — *v.* McAdams (153 Ill. 216; 38 N. E. 632) 2453  
 — *v.* Robinson (99 Va. 448; 39 S. E. 122; 55 L. R. A. 162) 2984  
 — *v.* Shelton (76 Va. 325) 449, 906  
 — *v.* Sutherlin (20 Gratt. [Va.] 555) 1378  
 — *v.* Thornton (110 Va. 541; 66 S. E. 839) 2911  
 Danville, H. & W. R. Co. *v.* Commonwealth (73 Pa. St. 38) 2000  
 Danville Lumber & M. Co. *v.* Parks (88 Ill. 463) 2424  
 Danville Water Co. *v.* Danville (180 U. S. 619, aff'g 186 Ill. 326; 57 N. E. 1129) 2243, 2244  
 Dapper *v.* Milwaukee (107 Wis. 88; 82 N. W. 725) 2966  
 Dapper *v.* Smith (138 Mich. 104; 101 N. W. 60) 638  
 Darby *v.* Crowland (38 Up. Can. Q. B. 338) 905, 2809, 3051  
 Darby School Dist's Appeal (160 Pa. 79; 28 Atl. 636) 627

## TABLE OF CASES CITED

105

[References are to pages]

- Darby v. Sharin Hill** (112 Pa. 66; 4 Atl. 722) 162
- Darcantel v. People's S. H. & R. Co.** (44 La. An. 632; 11 So. 239) 1049
- Darcy v. San Jose** (104 Cal. 642; 38 Pac. 500) 260, 265, 273, 275, 278, 300, 320
- Dargan v. Mobile** (31 Ala. 469; 70 Am. Dec. 505) 2884, 2885, 2898
- **v. Waddell** (9 Ire. [N. Car.] Law, 244; 49 Am. Dec. 421) 1038, 1049
- Darling v. Baltimore** (51 Md. 1) 1587
- **v. Gunn** (50 Ill. 424) 2607
- **v. Jersey City** (73 N. J. Eq. 318; 67 Atl. 709) 1739, 1746
- **v. Rodgers** (7 Kan. 592) 262
- **v. St. Paul** (19 Minn. 389) 461, 995, 996
- **v. Taylor** (7 N. Dak. 538; 75 N. W. 766) 357
- **v. Westmoreland** (52 N. H. 401; 13 Am. Rep. 55) 2978
- Darlington v. Atlantic Trust Co.** (68 Fed. Rep. 849; 25 U. S. App. 354) 344, 569, 576, 888
- **v. Commonwealth** (41 Pa. St. 68) 885, 949, 1648, 1709, 1715
- **v. Jackson County** (101 U. S. 688) 1420
- **v. New York** (31 N. Y. 164; 88 Am. Dec. 248) 144, 184, 185, 186, 187, 188, 196, 199, 225, 2674, 2850, 2909
- **v. Ward** (48 S. Car. 570; 26 S. E. 906; 38 L. R. A. 326) 943, 1051
- Darnell v. Keller** (18 Ind. App. 103; 45 N. E. 676) 2629
- **v. Memphis** (208 U. S. 213, rev'g 116 Tenn. 424; 95 S. W. 816) 2335, 2337
- Darrow v. Homer** (122 Mich. 229; 81 N. W. 262) 1898
- **v. People** (8 Colo. 417; 8 Pac. 661) 310, 2793, 2795
- **v. People** (8 Colo. 426; 8 Pac. 924) 306
- Darst v. People** (51 Ill. 286; 2 Am. Rep. 301) 959, 1039
- **v. People** (62 Ill. 306) 650, 1038, 2729
- Dart v. Bagley** (110 Mo. 42; 19 S. W. 311) 284
- Dartmouth v. Lakeville** (7 Allen [Mass.] 284) 766
- Dartmouth College v. Woodward** (4 Wheat. [U. S.] 518) 58, 142, 143, 187, 189
- Dascomb v. Marston** (80 Me. 223; 13 Atl. 888) 1578
- Dash v. Van Kleeck** (7 Johns. [N. Y.] 477; 5 Am. Dec. 291) 151
- Dashiell v. Attorney General** (5 Har. & Johns. [Md.] 392; 9 Am. Dec. 572; 6 Har. & Johns. [Md.] 1) 1575
- **v. Baltimore** (45 Md. 615) 2405, 2593
- Dassler, In re** (35 Kan. 678; 12 Pac. 130) 1086, 2460
- Daublin v. New Orleans** (1 Martin [La.] 184) 1786
- Daugherty v. Brown** (91 Mo. 26; 3 S. W. 210) 1641
- Daughters of American Revolution v. Schenley** (204 Pa. 572; 54 Atl. 366) 1840
- Dauphin & L. F. Streets R. Co. v. Kennerly** (74 Ala. 583) 2447
- Davenport v. Bird** (34 Iowa, 524) 968, 976, 1122
- **v. Buffington** (97 Fed. Rep. 234; 46 L. R. A. 377) 1704, 1745, 1747, 1750, 2763, 2767
- **v. Chicago, R. I. & P. Co.** (38 Iowa, 633) 2383, 2480
- **v. Dedham** (178 Mass. 382; 59 N. E. 1029) 2929
- **v. Dodge County** (105 U. S. 237) 1349, 1389, 1394, 2694
- **v. Hallowell** (10 Me. 317) 1155, 1174
- **v. Hyde Park** (178 Mass. 385; 59 N. E. 1030) 2929
- **v. Kelly** (7 Iowa, 102) 1076, 1077
- **v. Kleinschmidt** (6 Mont. 502; 13 Pac. 249) 353, 359, 450, 1197, 1921, 2131, 2155, 2763, 2766, 2768
- **v. Lord** (9 Wall. [U. S.] 409) 1496, 2674, 2687, 2695, 2714, 2716, 2717, 2724
- **v. Mississippi & Mo. R. R. Co.** (16 Iowa, 348) 2311, 2423, 2458, 2459
- **v. Peoria M. & F. Ins. Co.** (17 Iowa, 276) 631, 1184, 1585, 1587
- **v. Richmond City** (81 Va. 636; 59 Am. Rep. 694) 559
- **v. Ruckman** (10 Bosw. [N. Y.] 20) 3029
- **v. Ruckman** (37 N. Y. 568) 2972, 2987, 2993, 2998, 3000, 3012, 3018
- **v. Stevenson** (34 Iowa, 225) 1998, 2010
- **v. Walker** (57 N. Y. App. Div. 221; 68 N. Y. Supp. 161) 212
- Davenport & N. W. R. Co. v. Renwick** (102 U. S. 180) 501, 502
- Davenport & R. I. B. R. & Terminal Co. v. Johnson** (188 Ill. 472; 59 N. E. 497) 1687, 1718, 2014, 2017
- Davenport Bank v. Davenport Board of Equalization** (123 U. S. 83) 2422



[References are to pages]

- Davenport Central R. Co. *v.*  
Davenport Gasl. Co. (43 Iowa,  
301) 1977
- Davenport Gas etc. Co. *v.* Daven-  
port (13 Iowa, 229) 344, 1125
- Davenport Gas & El. Co. *v.*  
Davenport (124 Iowa, 22; 98  
N. W. 892) 2130, 2144, 2156, 2166,  
2182, 2300
- Davey *v.* Janesville (111 Wis. 628;  
87 N. W. 813) 979
- David *v.* Montgomery (51 Ala. 139)  
2301
- *v.* Portland Water Comm'rs  
(14 Oreg. 98; 12 Pac. 174) 143, 161,  
175, 188, 200, 201
- Davidson *v.* Musekgon (111  
Mich. 454; 69 N. W. 670) 2818
- *v.* New Orleans (96 U. S. 97) 1604,  
2358, 2364, 2369, 2499, 2500, 2501,  
2502, 2520, 2523
- *v.* New York (24 N. Y. Misc.  
560; 54 N. Y. Supp. 51) 2880, 2900
- *v.* Portland (69 Me. 116; 31  
Am. Rep. 253) 3004
- *v.* Ramsey County (18 Minn.  
482) 571
- *v.* Woodruff (68 Ala. 356) 652, 679
- Davidson College *v.* Chamber's  
Executors (3 Jones Eq. [N. Car.]  
253) 1557, 1559, 1580
- Davies *v.* Corbin (112 U. S. 36) 2645,  
2726
- *v.* Epstein (77 Ark. 221; 92  
S. W. 19) 1708, 1737, 1739, 1844
- *v.* Lord Kensington (L. R. 9  
C. P. 723) 644
- *v.* Los Angeles (86 Cal 37;  
24 Pac. 771) 1251, 2367, 2394, 2403
- *v.* Lowden (Carter, 29) 955
- *v.* New York City (83 N.  
Y. 207; s. c. 93 N. Y. 250) 1173,  
1184, 1593
- *v.* New York City (83 N. Y.  
207, rev'g 45 N. Y. Super. Ct.  
373) 1593
- *v.* Stephens (7 C. & P. 570) 1707
- Davies' Ex'rs *v.* Galveston (16  
Tex. Civ. App. 13; 41 S. W.  
145) 2829
- Daviess County *v.* Dickinson (117  
U. S. 657) 384, 386, 544, 581, 1430,  
1431, 1433, 1473, 1481, 1531
- *v.* Huidekoper (98 U. S. 98) 1420,  
1461, 1466
- Davis, *Ex parte* (115 Cal. 445; 47  
Pac. 258) 979
- *In re* (62 Kan. 231; 61  
Pac. 809) 660
- *v.* Adrian (147 Mich. 300;  
110 N. W. 1084) 2817
- *v.* American Society (75 N. Y.  
362) 2754
- Davis *v.* Anita (73 Iowa, 325; 35  
N. W. 244) 925
- *v.* Appleton (109 Wis. 580;  
85 N. W. 515) 1831, 1903
- *v.* Austin (22 Tex. Civ. App.  
460; 54 S. W. 927) 1876
- *v.* Bangor (42 Me. 522) 1784, 1788,  
2802, 2803, 2961, 2962, 2978
- *v.* Bangor (101 Me. 311; 64  
Atl. 617) 3052, 3054
- *v.* Barnstable (154 Mass. 224;  
28 N. E. 165) 1577
- *v.* Barrington (30 N. H. 517) 2861
- *v.* Bath (17 Maine, 141) 76
- *v.* Bonaparte (137 Iowa, 196;  
114 N. W. 896) 1696, 1703, 1705,  
1711, 1713
- *v.* Bradford School Dist. (24  
Me. 349) 1193, 1194
- *v.* Brown (94 U. S. 423) 1497
- *v.* Brown (46 W. Va. 716; 34  
S. E. 839) 655, 656, 662
- *v.* Burgess (54 Mich. 514; 20  
N. W. 540; 52 Am. Rep. 828) 675
- *v.* California St. C. R. Co.  
(105 Cal. 131; 38 Pac. 647) 3001
- *v.* Central Congregational  
Society (129 Mass. 367; 37 Am.  
Rep. 368) 2897
- *v.* Chicago & N. W. R. Co.  
(46 Iowa, 389) 2010
- *v.* Cincinnati (36 Ohio St. 24)  
2593, 2594
- *v.* Clark (106 Pa. 377) 316
- *v.* Claus (125 Ky. 4; 100  
S. W. 263) 864
- *v.* Clinton (50 Iowa, 585) 1691,  
1831, 1873
- *v.* Clinton (58 Iowa, 389; 10  
N. W. 768) 1733
- *v.* Clinton Waterworks Co.  
(54 Iowa, 59; 6 N. W. 126; 37  
Am. Rep. 185) 2304
- *v.* Cordele (115 Ga. 770; 42  
S. E. 63) 745
- *v.* Corry City (154 Pa. 598;  
26 Atl. 621) 1862
- *v.* County Com'rs (153 Mass.  
218; 26 N. E. 848) 1843
- *v.* Crawfordsville (119 Ind. 1;  
21 N. E. 449; 12 Am. St. Rep.  
361) 3044
- *v.* Davis (57 N. J. L. 203; 31  
Atl. 218) 2734
- *v.* Des Moines (71 Iowa, 500;  
32 N. W. 470) 362, 368
- *v.* Dubuque (20 Iowa, 458) 2429
- *v.* Dudley (4 Allen [Mass.]  
557) 2970, 2990
- *v.* Fasig (128 Ind. 271; 27  
N. E. 726) 991, 992, 1018, 1019
- *v.* Filler (47 W. Va. 413; 35  
S. E. 6) 781, 783, 791



## TABLE OF CASES CITED

107

[References are to pages]

- Davis v. Fremont** (135 N. Car. 538; 47 S. E. 671) 427, 1362
- **v. Fulton** (52 Wis. 657; 9 N. W. 809) 2976
- **v. Gaines** (48 Ark. 370; 3 S. W. 184) 334, 2372, 2373
- **v. Guilford** (55 Conn. 351; 11 Atl. 350) 2963
- **v. Harrison** (46 N. J. L. 79) 2156, 2796, 2799
- **v. Hill** (41 N. H. 329) 2963
- **v. Jackson** (61 Mich. 530; 28 N. W. 526) 1190, 1192
- **v. Jewett** (69 Kan. 651; 77 Pac. 704) 1315
- **v. Knoxville** (90 Tenn. 599; 18 S. W. 254) 2886
- **v. Lamoille Pl. R. Co.** (27 Vt. 602) 3020
- **v. Lebanon** (108 Ky. 688; 57 S. W. 471) 2893
- **v. Leominster** (1 Allen [Mass.] 182) 3035
- **v. Litchfield** (145 Ill. 313; 33 N. E. 888; 21 L. R. A. 563) 2451, 2454, 2504, 2547, 2549, 2552, 2562, 2566
- **v. Litchfield** (155 Ill. 384; 40 N. E. 354) 2623
- **v. Living** (50 W. Va. 431; 40 S. E. 365) 2359
- **v. Lynchburg** (84 Va. 861; 6 S. E. 230) 2365, 2503
- **v. Macon** (64 Ga. 128) 2462, 2472, 2473
- **v. Massachusetts** (167 U. S. 43, aff'g 162 Mass. 510; 39 N. E. 113) 937, 938, 939
- **v. Miller Signal Co.** (105 Ill. App. 657) 2650
- **v. Montgomery** (51 Ala. 139; 23 Am. Rep. 545) 2839, 2842, 2993
- **v. Morris** (132 N. Car. 435; 43 S. E. 950) 1716
- **v. Newark** (54 N. J. L. 144; 23 Atl. 276) 2456
- **v. New York** (1 Duer [N. Y.] 451, aff'd 9 N. Y. 263) 2723, 2750, 2755
- **v. New York** (2 Duer [N. Y.] 663) 2760
- **v. New York City** (14 N. Y. 506; 67 Am. Dec. 186; s. c. 1 Duer [N. Y.] 451) 191, 464, 916, 917, 1789, 1906, 1948, 1975, 1977, 1979, 2052, 2773
- **v. Old Colony R. Co.** (131 Mass. 258; 41 Am. Rep. 221) 1233
- **v. Pacific Tel. & Tel. Co.** (127 Cal. 312; 59 Pac. 698) 1927
- **v. Patterson** (12 Pa. Super. Ct. 479) 2658
- Davis v. Petrinovitch** (112 Ala. 654; 21 So. 344) 2786
- **v. Point Pleasant** (32 W. Va. 289; 9 S. E. 228) 2425
- **v. Prop. &c. of Meeting-house** (8 Met. [Mass.] 321) 524
- **v. Reed** (65 N. Y. 566) 2404
- **v. Rich** (180 Mass. 235; 62 N. E. 375) 3029
- **v. Rogersville** (107 Tenn. 588; 64 S. W. 893) 242
- **v. Rumney** (67 N. H. 591; 38 Atl. 18) 2821
- **v. Russell** (5 Bing. 355) 676
- **v. Sabita** (63 Pa. 90) 1716, 1719
- **v. Sacramento** (82 Cal. 562; 22 Pac. 1118) 1392
- **v. San Francisco** (115 Cal. 67; 46 Pac. 863) 2828
- **v. Silvertown** (47 Oreg. 171; 82 Pac. 16) 1821, 1824
- **v. State** (4 Stew. & Port. [Ala.] 83) 968
- **v. State** (7 Md. 151; 61 Am. Dec. 331) 137
- **v. Steuben School Township** (19 Ind. App. 694; 50 N. E. 1) 66, 1295
- **v. Winslow** (51 Me. 264; 81 Am. Dec. 573) 1858
- **v. Woolnough** (9 Iowa, 104) 137, 1118
- Davock v. Moore** (105 Mich. 120; 63 N. W. 424; 28 L. R. A. 783) 163
- Davoust v. Alameda** (149 Cal. 69; 84 Pac. 760; 5 L. R. A. N. s. 536) 2135, 2868, 2911, 2977
- Dawes v. Great Falls** (31 Mont. 9; 77 Pac. 309) 2814
- **v. Hawkins** (4 Law T. N. s. 288) 1699
- **v. Hawkins** (8 C. B. N. s. 848) 1698
- **v. Hightstown** (45 N. J. L. 127; s. c. 45 N. J. L. 501) 1794, 1847
- Daws, In re** (8 A. & E. 736; s. c. 1 P. & D. 146) 2798
- Dawson v. Dawson Waterworks Co.** (106 Ga. 696; 32 S. E. 907) 356, 357, 364, 365, 423, 424, 430, 2293
- **v. Frederick County** (2 H. & M. [Va.] 132) 2647
- **v. Pittsburgh** (159 Pa. 317; 28 Atl. 171) 1678
- **v. St. Paul F. & M. Ins. Co.** (15 Minn. 136; 2 Am. Rep. 109) 2775
- Dawson County v. McNamara** (10 Neb. 276; 4 N. W. 991) 1362, 1366
- Dawson Water Works Co. v. Carver** (95 Ga. 565; 20 S. E. 502) 2299

[References are to pages]

- Day *v.* Chambers (62 Tex. 190) 1845  
 — *v.* Fairview (62 N. J. L. 621; 43 Atl. 578) 2597  
 — *v.* Green (4 Cush. [Mass.] 433) 462, 847, 996, 1089, 2877  
 — *v.* Kent (1 Oreg. 123) 644  
 — *v.* Milford (5 Allen [Mass.] 98) 2987, 2988  
 — *v.* Mt. Pleasant (70 Iowa, 193; 30 N. W. 853) 2964, 2965  
 — *v.* Schroeder (46 Iowa, 546) 1845  
 Dayton *v.* Bauman (66 Ohio St. 379; 64 N. E. 433) 2516, 2530, 2531  
 — *v.* Bellevue Water & F. G. Co. ([Ky.], 68 S. W. 142) 2176  
 — *v.* Carter (206 Pa. 491; 56 Atl. 30) 744  
 — *v.* Dayton Coal & Iron Co. (99 Tenn. 578; 43 S. W. 740) 125, 232  
 — *v.* Lincoln (39 Neb. 74; 56 N. W. 754) 1681  
 — *v.* Pease (4 Ohio St. 80) 2839, 2901, 3010, 3038  
 — *v.* Quigley (29 N. J. Eq. 77) 925, 928, 2214, 2220  
 — *v.* Rounds (27 Mich. 82) 568  
 — *v.* Rutland (84 Ill. 279; 25 Am. Rep. 457) 1730  
 — *v.* St. Paul (22 Minn. 400) 655  
 — *v.* Taylor's Adm'r (62 Ohio St. 11; 56 N. E. 480) 3012  
 Daytona *v.* Edson (46 Fla. 463; 34 So. 954) 2976  
 D. County *v.* Sauer (8 Okla. 235; 61 Pac. 367) 1294  
 D. County Board of Com'rs *v.* Gillett (9 Okla. 593; 60 Pac. 277) 353, 354  
 Deaconess Home & Hosp. *v.* Boutjes (104 Ill. App. 484) 2896  
 Deadwood *v.* Whittaker (12 S. Dak. 515; 81 N. W. 908) 1725  
 De Agramonte *v.* Mt. Vernon (112 N. Y. App. Div. 291; 98 N. Y. Supp. 454) 1865, 2982  
 Deal *v.* Mississippi County (107 Mo. 464; 18 S. W. 24; 14 L. R. A. 622) 2313  
 Dean *v.* Ann Arbor R. Co. (137 Mich. 459; 100 N. W. 773) 1810  
 — *v.* Ann Arbor St. R. Co. (93 Mich. 330; 53 N. W. 396) 2007  
 — *v.* Borschsenius (30 Wis. 236) 1206, 1810, 2637, 2639, 2659  
 — *v.* Campbell ([Tex. Civ. App.], 59 S. W. 294) 2658  
 — *v.* Charlton (23 Wis. 590; 99 Am. Dec. 205) 1206, 1207, 1210, 2762  
 — *v.* Charlton (27 Wis. 522) 2637  
 — *v.* Davis (51 Cal. 406) 63, 120, 141  
 Dean *v.* Gleason (16 Wis. 1) 2400, 2447, 2576, 2789  
 — *v.* Gridley (10 Wend. [N. Y.] 254) 678  
 — *v.* Madison (7 Wis. 688) 347  
 — *v.* New Milford (5 W. & S. 545) 2901, 2994  
 — *v.* New York (45 N. Y. App. Div. 605; 61 N. Y. Supp. 374) 1242  
 — *v.* Paterson (67 N. J. L. 199; 50 Atl. 620) 2538, 2593  
 — *v.* Sharon (72 Conn. 667; 45 Atl. 963) 2821  
 — *v.* Spartanburg County (59 So. Car. 110; 37 S. E. 226) 334  
 — *v.* State (56 Neb. 301; 76 N. W. 555) 2743  
 Dean, &c. of Windsor (Godb. 211) 594  
 Deane *v.* Indiana Macadam & Const. Co. (161 Ind. 371; 68 N. E. 686) 2534  
 — *v.* Randolph (132 Mass. 475) 2869  
 — *v.* Todd (22 Mo. 90) 458, 2771, 2787  
 Deansville Cemetery Assoc., *In re* (66 N. Y. 569; 23 Am. Rep. 86; over-rul. s. c. 5 Hun [N. Y.] 482) 1034, 1631, 1641, 1642  
 Dearle *v.* Hall (3 Russell, 1) 1300  
 De Armas *v.* Bell (109 La. 181; 33 So. 188) 776  
 — *v.* New Orleans (5 La. 132) 1762  
 Deaton *v.* Polk County (9 Iowa, 594) 1682  
 Deaver *v.* State (27 Tex. Civ. App. 453; 66 S. W. 256) 2741  
 De Baker *v.* Southern Cal. R. Co. (106 Cal. 257; 39 Pac. 610; 46 Am. St. Rep. 237) 441, 3048  
 De Baum *v.* New York (16 Barb. [N. Y.] 392) 2773  
 De Ben *v.* Gerard (4 La. An. 30) 930  
 De Blanc *v.* New Iberia (106 La. 680; 31 So. 311; 56 L. R. A. 285) 1035, 1045  
 Debnam *v.* Chitty (131 N. Car. 657; 43 S. E. 3) 1480, 1531  
 DeBoest *v.* Gambell (35 Oreg. 368; 58 Pac. 72) 741  
 Debolt *v.* Carter (31 Ind. 355) 1767, 1768  
 — *v.* Cincinnati (7 Ohio St. 237) 741  
 — *v.* Insurance and Trust Co. (1 Ohio St. 564) 464  
 De Camp *v.* Eveland (19 Barb. [N. Y.] 81) 143  
 Decatur *v.* Besten (169 Ill. 340; 48 N. E. 186) 2975, 3020  
 — *v.* Fisher (53 Ill. 407) 2993, 3003, 3004, 3005, 3014  
 — *v.* Hamilton (89 Ill. App. 561) 2960, 3019

## TABLE OF CASES CITED

109

[References are to pages]

- Decatur v. McKean** (167 Ind. 249; 78 N. E. 982) 1172, 1288  
 — *v. Paulding* (14 Pet. [U. S.] 497) 759, 2659  
 — *v. Stoops* (21 Ind. App. 397; 52 N. E. 623) 2999  
 — *v. Vaughan* (233 Ill. 50; 84 N. E. 50) 1675  
 — *v. Vermillion* (77 Ill. 315) 739, 741  
 — *v. Wilson* (96 Ga. 251; 23 S. E. 240) 431, 657  
**Decatur Gas Light & Coke Co. v. Decatur** (24 Ill. App. 544) 2167, 2237  
**Dechert v. Commonwealth** (113 Pa. St. 229; 6 Atl. 229) 2657  
**Decker v. Evansville, S. & N. R. Co.** (133 Ind. 493; 33 N. E. 349) 2010  
 — *v. Hughes* (68 Ill. 33) 582, 1536, 2388, 2389  
 — *v. Sargeant* (125 Ind. 404; 25 N. E. 458) 1019  
**De Clerq v. Barber Asphalt Pav. Co.** (167 Ill. 215; 47 N. E. 367) 2312  
**Decorah v. Bullis** (25 Iowa, 12) 840, 842, 843  
 — *v. Dunston* (38 Iowa, 96) 995  
 — *v. Gillis* (10 Iowa, 234) 984  
**Decorah First Nat'l Bank v. Doon Dist. Township** (86 Iowa, 330; 53 N. W. 301) 1454  
**De Cordova v. Galveston** (4 Tex. 470) 1297, 1325  
**Dedham Bank v. Chickering** (3 Pick. [Mass.] 335) 683  
**Deeds, Ex parte** (75 Ark. 542; 87 S. W. 1030) 2325  
 — *v. Sanborn* (26 Iowa, 419, s. c. 22 Iowa, 214) 2429  
**Deefir v. Bowen** (61 Ind. 29) 2765  
**Deehan v. Johnson** (141 Mass. 23; 6 N. E. 240) 2658  
**Deemar v. Boyne** (103 Ill. App. 464) 2731, 2747  
**Deems v. Baltimore** (80 Md. 164; 30 Atl. 648; 26 L. R. A. 541; 45 Am. St. Rep. 339) 990, 991, 2754  
**Deer v. Sheraden Borough** (220 Pa. 307; 69 Atl. 814) 1809, 1824  
**Deerfield v. Arms** (17 Pick. [Mass.] 41; 28 Am. Dec. 276) 503  
 — *v. Connecticut River R. Co.* (144 Mass. 325; 11 N. E. 105) 1561  
**Deering, Matter of** (93 N. Y. 361) 1919  
 — *v. Cumberland County* (87 Me. 151; 32 Atl. 797) 1799  
 — *v. New York* (51 N. Y. App. Div. 402; 64 N. Y. Supp. 606) 1660  
 — *v. Proprietors of Long Wharf* (25 Me. 51) 485  
**Dees v. Lake Charles** (50 La. An. 356; 23 So. 382) 618, 621  
**Deffenbaugh v. Foster** (40 Ind. 382) 1282  
**Defiance v. Schmidt** (123 Fed. Rep. 1, aff'g 117 Fed. Rep. 702) 1462, 1484, 1486  
**Defiance Water Co. v. Defiance** (90 Fed. Rep. 753) 2156  
**Deford v. Mercer** (24 Iowa, 118; 92 Am. Dec. 460) 1631  
**Defrees v. Ferstl** (154 Ind. 695; 57 N. E. 266) 2534  
**De Geofroy v. Merchants' Bridge Terminal R. Co.** (179 Mo. 698; 79 S. W. 386; 64 L. R. A. 959; 101 Am. St. Rep. 524) 1775, 1983, 2007, 2020, 2021, 2022  
**DeGrave v. Monmouth** (4 Carr. & P. 411) 842, 1191  
**De Groot, In re** (6 Wall. [U. S.] 497) 2659  
**De Hart v. Atlantic City** (62 N. J. L. 586; 41 Atl. 687) 127  
**DeHart v. Atlantic City** (63 N. J. L. 223; 43 Atl. 742) 291  
**Dehlinger v. Chicago** (100 Ill. App. 314) 3001  
**Deiman v. Ft. Madison** (30 Iowa, 541) 2429  
**Deitz v. Central** (1 Colo. 323) 91, 981, 1012, 1014  
**DeKalb v. Luney** (193 Ill. 185; 61 N. E. 1036) 1893, 1896  
**DeKalb County Court v. Pogue** (115 Ill. App. 391) 2792  
**De Kalb County Tel. Co. v. Dutton** (228 Ill. 178; 81 N. E. 838; 10 L. R. A., n. s. 1057) 1928  
**De La Beckwith v. Colusa County Superior Court** (146 Cal. 496; 80 Pac. 717) 2706  
**Delabigarre v. Municipality** (3 La. An. 230) 1762, 1892  
**De la Chevrotiere v. Montreal** (L. R. 12 App. Cas. 149) 1693  
**Delacy v. Neuse River Nav. Co.** (1 Hawkes [N. Car.] 274; 9 Am. Dec. 636) 809, 2672  
**Delafield, In re** (109 Fed. Rep. 577) 1653  
 — *v. Illinois* (2 Hill [N. Y.] 159, 174; 26 Wend. [N. Y.] 192, aff'g s. c. 8 Paige [N. Y.] 531) 77, 544, 1155, 1190, 1195  
 — *v. Westfield* (41 N. Y. App. Div. 24; 58 N. Y. Supp. 277, aff'd 169 N. Y. 582; 62 N. E. 1095) 1212  
**Delafield Const. Co. v. Sayre** (60 N. J. L. 449; 38 Atl. 666) 1276  
**Delahanty v. Warner** (75 Ill. 185; 20 Am. Rep. 237) 819, 823, 2671, 2672, 2751

[References are to pages]

- Delamater v. South Dakota* (205 U. S. 93, aff'g 20 S. Dak. 23; 104 N. W. 539) 2352
- Delamater v. Chicago* (158 Ill. 575; 42 N. E. 444) 2623
- Delancey, In re* (52 N. Y. 80) 2832
- De Lancey v. Piepgras* (138 N. Y. 26; 33 N. E. 822) 497
- *v. Wellbrock* (113 Fed. Rep. 103) 496
- Deland v. Cameron* (112 Mo. App. 704; 87 S. W. 597) 2972, 2973, 3019
- De Land v. Dixon Power & L. Co.* (225 Ill. 212; 80 N. E. 125) 1839
- Delaney, In re* (43 Cal. 478) 1109
- *v. Kansas City Police Court* (167 Mo. 667; 67 S. W. 589) 977, 1128
- *v. Pennsylvania R. Co.* (78 Hun [N. Y.] 393; 29 N. Y. Supp. 226) 479
- *v. Salina* (34 Kan. 532; 9 Pac. 271) 1569, 2098
- Delaplaine v. Chicago & N. W. R. Co.* (42 Wis. 214; 24 Am. Rep. 386) 489, 501
- Delavan Ave., Matter of* (167 N. Y. 256; 60 N. E. 589, aff'g 54 N. Y. App. Div. 629; 66 N. Y. Supp. 1128) 1803, 2064
- Delaware & H. Canal Co. v. Buffalo* (39 N. Y. App. Div. 333; 56 N. Y. Supp. 976, aff'd 167 N. Y. 589; 60 N. E. 1119) 2454, 2538, 2556, 2567, 2568
- *v. Whitehall* (90 N. Y. 21) 1615
- Delaware County v. Diebold Safe Co.* (133 U. S. 473) 1276, 1277
- *v. McClintock* (51 Ind. 325) 1537, 2770
- Delaware County's Appeal* (119 Pa. 159; 13 Atl. 62) 1661
- Delaware Div. Canal Co. v. Commonwealth* (50 Pa. 399) 2441
- Delaware, L. & W. R. Co. v. Buffalo* (158 N. Y. 266; 53 N. E. 44, aff'g 4 N. Y. App. Div. 562; 38 N. Y. Supp. 510) 1048, 1867, 1983, 2064
- *v. Passaic* (37 N. J. L. 137) 2530
- *v. Pennsylvania* (198 U. S. 341) 2409, 2411, 2412, 2413, 2438, 2445
- Delaware Railroad Tax, Re* (18 Wall. [U. S.] 206) 2332, 2333, 2412, 2438, 2443
- Delfosse v. Metropolitan Nat. Bank* (98 Ill. App. 123) 1299, 1300
- Delger v. St. Paul* ((14 Fed. Rep. 567) 2997
- Delhi v. Youmans* (45 N. Y. 362; 6 Am. Rep. 100) 2307
- Dell Rapids Merc. Co. v. Dell Rapids* (11 S. Dak. 116; 75 N. W. 898; 74 Am. St. Rep. 783) 1872
- Delmonico v. New York* (1 Sandf. [N. Y.] 222) 2902, 3054
- Delphi v. Bowen* (61 Ind. 29) 2396, 2787, 2788, 2789
- *v. Evans* (36 Ind. 90) 873, 874, 880, 883, 885, 1817, 1819, 1820, 1821, 1822, 1826, 2452, 2595, 2924, 2933
- *v. Lowery* (74 Ind. 520; 39 Am. Rep. 98) 2964, 3017
- *v. Startzman* (104 Ind. 343; 3 N. E. 937) 620
- Delphi School Dist. v. Murray* (53 Cal. 29) 678
- Delta County v. Gunnison County* (17 Colo. 41; 28 Pac. 476) 627
- De Lucca v. North Little Rock* (142 Fed. Rep. 597) 1663, 1835, 2006, 2921, 2931
- Demarest v. New Barbadoes* (40 N. J. Law, 604) 741
- *v. New York* (74 N. Y. 161) 143, 443
- *v. New York* (147 N. Y. 203; 41 N. E. 405) 748
- *v. Wickham* (63 N. Y. 320) 839, 841, 2663, 2729, 2773
- Deming v. Houlton* (64 Me. 254; 18 Am. Rep. 253) 1464
- *v. Terminal R. Co.* (169 N. Y. 1; 62 N. E. 1095; 88 Am. St. Rep. 521, aff'g 49 N. Y. App. Div. 493; 63 N. Y. Supp. 615) 2078
- Demopolis v. Webb* (87 Ala. 659; 6 So. 408) 491, 504, 511, 1043, 1717, 1718, 1719, 1731, 1737, 1784, 1785, 1787
- De Motte v. Valparaiso* (161 Ind. 319; 67 N. E. 985; 66 L. R. A. 117) 1584, 2130, 2186
- Dempsey v. Burlington* (66 Iowa, 687; 24 N. W. 508) 910, 1839
- *v. Newark* (53 N. J. L. 4; 20 Atl. 886; 10 L. R. A. 700) 283
- *v. Oswego Tp.* (51 Fed. Rep. 97) 2707
- Dempster v. Chicago* (175 Ill. 278; 51 N. E. 710) 2454, 2615
- *v. People* (158 Ill. 36; 41 N. E. 1022) 2595
- *v. United Traction Co.* (205 Pa. 70; 54 Atl. 501) 1830, 2030
- Den v. Jersey Company* (15 How. [U. S.] 426) 493
- *v. Vreelandt* (7 N. J. L. 352) 631
- Denison v. Foster* ([Tex. Civ. App.], 37 S. W. 167) 2681

[References are to pages]

- Denison R. Co. v. James* (20 Tex. Civ. App. 358; 49 S. W. 660) 2947
- Denman v. Broderick* (111 Cal. 96; 43 Pac. 516) 273
- *v. Webster* (139 Cal. 452; 73 Pac. 139) 672
- Dennehy v. Chicago* (120 Ill. 627; 12 N. E. 227) 1003, 1016, 1017, 2463
- Denning v. Roome* (6 Wend. [N. Y.] 651) 873, 888, 1695, 2914
- *v. State* (123 Cal. 316; 55 Pac. 1000) 516
- *v. Yount* (62 Kan. 217; 61 Pac. 803; 50 L. R. A. 103) 985
- Denninger v. Pomona Recorder's Court* (145 Cal. 629; 79 Pac. 360) 2139, 2232, 2233
- *v. Pomona Recorder's Court* (145 Cal. 638; 79 Pac. 364) 2139, 2226
- Dennis v. Elmira Heights* (59 N. Y. App. Div. 404; 70 N. Y. Supp. 312) 2975
- *v. Hughes* (8 Up. Can. Q. B. 444) 1646
- *v. Maynard* (15 Ill. 477) 179
- *v. Simon* (51 Ohio St. 233; 33 N. E. 832) 2459, 2460
- Dennis Long & Co. v. Louisville* (98 Ky. 67; 32 S. W. 271) 1623
- Dennison v. Kansas* (95 Mo. 416; 8 S. W. 429) 990, 2596, 2791
- Denniston v. Clark* (125 Mass. 216) 1817
- Denny, In re* (156 Ind. 104; 59 N. E. 359; 51 L. R. A. 722) 660
- *v. Spokane* (79 Fed. Rep. 719) 373, 378
- Denton v. Jackson* (2 Johns. Ch. [N. Y.] 320) 102, 1556, 1566, 2775
- Denver, In re* (18 Colo. 288; 32 Pac. 615) 306
- *v. Aaron* (6 Colo. App. 232; 40 Pac. 587) 3016
- *v. Adams County* (33 Colo. 1; 77 Pac. 858) 111, 627
- *v. Bach* (26 Colo. 530; 58 Pac. 1089) 930
- *v. Bacon* (44 Colo. 166; 96 Pac. 974) 2821
- *v. Baldasari* (15 Colo. App. 157; 61 Pac. 190) 2998
- *v. Barron* (6 Colo. App. 72; 39 Pac. 989) 2814, 2820, 2821
- *v. Bayer* (7 Colo. 113; 2 Pac. 6) 1993, 1998, 2013, 2014, 2870, 2924, 2944
- *v. Beede* (25 Colo. 172; 54 Pac. 624) 990
- *v. Bonesteel* (30 Colo. 107; 69 Pac. 595) 2944
- Denver v. Bradbury* (19 Colo. App. 441; 75 Pac. 1077) 2813, 2821
- *v. Brown* (11 Colo. 337; 18 Pac. 214) 470
- *v. Campbell* (33 Colo. 162; 80 Pac. 142) 458, 2625
- *v. Capelli* (4 Colo. 25; 34 Am. Rep. 62) 3050, 3053, 3056
- *v. Clements* (3 Colo. 484) 1687, 1699, 1706, 1727, 1735, 1806
- *v. Cochran* (17 Colo. App. 72; 67 Pac. 23) 765, 2959
- *v. Coulehan* (20 Colo. 471; 39 Pac. 425; 27 L. R. A. 751) 618, 2425
- *v. Darrow* (13 Colo. 460; 22 Pac. 784) 792, 810, 2793, 2795, 2796, 2797
- *v. Davis* (37 Colo. 370; 86 Pac. 1027; 119 Am. St. Rep. 293) 2900
- *v. Dean* (10 Colo. 375; 16 Pac. 30; 3 Am. St. Rep. 594) 763, 2870, 2903, 2992, 2998
- *v. Demedian* (15 Colo. App. 36; 60 Pac. 1107) 1020
- *v. Denver Union Water Co.* (41 Colo. 77; 91 Pac. 918) 2237
- *v. Dumars* (33 Colo. 94; 80 Pac. 114) 947, 1223, 1224, 2364, 2618
- *v. Dunsmore* (7 Colo. 328; 3 Pac. 705) 2903, 2992, 2997, 2998
- *v. Frueauff* (39 Colo. 20; 88 Pac. 389) 1008
- *v. Girard* (21 Colo. 447; 42 Pac. 662) 941, 1896, 1903
- *v. Hallett* (34 Colo. 393; 83 Pac. 1066) 421, 430, 1376, 1382
- *v. Hayes* (28 Colo. 110; 63 Pac. 311) 429
- *v. Hindry* (40 Colo. 42; 90 Pac. 1028) 1185
- *v. Hubbard* (29 Colo. 529; 69 Pac. 508) 3001
- *v. Hubbard* (17 Colo. App. 346; 68 Pac. 993) 362, 2130, 2152, 2153, 2294
- *v. Hyatt* (28 Colo. 129; 63 Pac. 403) 3014, 3020
- *v. Iliff* (38 Colo. 357; 89 Pac. 823) 2395
- *v. Johnson* (8 Colo. App. 384; 46 Pac. 621) 2969
- *v. Knowles* (17 Colo. 204; 30 Pac. 1041; 17 L. R. A. 135) 2502, 2504, 2566
- *v. Londoner* (33 Colo. 104; 80 Pac. 117) 947, 2395
- *v. Moewes* (15 Colo. App. 28; 60 Pac. 986) 2998
- *v. Mullen* (7 Colo. 345; 3 Pac. 693) 1035, 1038, 1045, 1047



[References are to pages]

- Denver v. Murray* (18 Colo. App. 142; 70 Pac. 440) 3014  
 — *v. National Exchange Bank* (34 Colo. 387; 82 Pac. 448) 1306  
 — *v. Peterson* (5 Colo. App. 41; 36 Pac. 1111) 2882  
 — *v. Porter* (126 Fed. Rep. 288) 2900, 2913  
 — *v. Rhodes* (9 Colo. 554; 13 Pac. 729) 3057  
 — *v. Sherret* (88 Fed. Rep. 226) 2986  
 — *v. Spencer* (34 Colo. 270; 82 Pac. 590; 2 L. R. A. N. s. 147; 114 Am. St. Rep. 158) 883, 2892  
 — *v. Stein* (25 Colo. 125; 53 Pac. 283) 2998  
 — *v. Vernia* (8 Colo. 399; 8 Pac. 656) 2922  
 — *v. Webber* (15 Colo. App. 511; 63 Pac. 804) 1190, 1191  
*Denver & R. G. R. Co. v. Bourne* (11 Colo. 59; 16 Pac. 839) 2013, 2014  
*Denver & S. F. R. Co. v. Domke* (11 Colo. 247; 17 Pac. 777) 2013  
 — *v. Hannegan* (43 Colo. 122; 95 Pac. 343; 16 L. R. A. N. s. 874) 1687, 2013, 2014, 2015  
 — *v. Denver City R. Co.* (2 Colo. 673) 1793, 1977, 1980, 1989  
*Denver Board of Public Works, In re* (12 Colo. 188; 21 Pac. 481) 2395  
*Denver Circle R. Co. v. Nestor* (10 Colo. 403; 15 Pac. 714) 1687, 1847, 2013, 2014, 2870, 2927  
*Denver City R. Co. v. Denver* (21 Colo. 350; 41 Pac. 826; 29 L. R. A. 608; 52 Am. St. Rep. 239) 1850, 2469  
*Department of Public Parks, Matter of* (86 N. Y. 439) 139  
 — (53 Hun [N. Y.] 280; 6 N. Y. Supp. 750) 1677  
*De Pauw v. New Albany* (22 Ind. 204) 2315  
*De Pere v. Bellevue* (31 Wis. 120; 11 Am. Rep. 602) 627  
 — *v. Hibbard* (104 Wis. 666; 80 N. W. 933) 2960, 2966, 3002  
*De Peyster v. Murphy* (66 N. Y. 622) 2489  
*De Pierris, Matter of* (82 N. Y. 243) 2608  
*Depriest v. Jones* ([Va.], 21 S. E. 478) 1732, 1897  
*De Puy v. Wabash* (133 Ind. 336; 32 N. E. 1016) 2628  
*Derby v. Alling* (40 Conn. 410) 1715, 1719, 1735  
 — *v. Modesto* (104 Cal. 515; 38 Pac. 900) 1350, 1377, 1384  
*Derecourt v. Corbishley* (5 El. & B. 188) 676  
*Dermont v. Detroit* (4 Mich. 435) 3050, 3054, 3056  
*DeRussy v. Davis* (13 La. An. 468) 451  
*Desha County v. Newman* (33 Ark. 788) 1308  
*Deshong v. New York City* (176 N. Y. 475; 68 N. E. 880) 1874, 1875  
*Des Moines v. Casady* (21 Iowa, 570) 948, 2488  
 — *v. Chicago, R. I. & P. R. Co.* (41 Iowa, 569) 2419  
 — *v. Des Moines City R. Co.* (214 U. S. 179) 2246  
 — *v. Des Moines Waterworks Co.* (95 Iowa, 348; 64 N. W. 269) 2211, 2229, 2233, 2236, 2237, 2243, 2248, 2254  
 — *v. Dorr* (31 Iowa, 89) 2529  
 — *v. Gilchrist* (67 Iowa, 210; 25 N. W. 136; 56 Am. Rep. 341) 904, 1105  
 — *v. Hall* (24 Iowa, 234) 1687, 1691, 1698, 1699, 1732, 1796, 1817, 1831  
 — *v. Hillis* (55 Iowa, 643; 8 N. W. 638) 734  
 — *v. Hinkley* (62 Iowa, 637; 17 N. W. 915) 471  
 — *v. Layman* (21 Iowa, 153) 1668, 1669  
*Des Moines Brick Mfg. Co. v. Smith* (108 Iowa, 307; 79 N. W. 77) 2635  
*Des Moines City R. Co. v. Des Moines* (151 Fed. Rep. 854) 2050  
 — *v. Des Moines* (90 Iowa, 770; 58 N. W. 906; 26 L. R. A. 767) 1976, 2065  
*Des Moines Gas Co. v. Des Moines* (44 Iowa, 505; 24 Am. Rep. 756) 458, 902, 916, 918, 1922, 2168  
*Des Moines St. R. Co. v. Des Moines Broad-Gauge St. R. Co.* (73 Iowa, 513; 33 N. W. 610; 35 N. W. 602) 563, 1976  
 — *v. Des Moines B. G. St. R. Co.* (74 Iowa, 585; 38 N. W. 496) 1976  
*Desmond v. Dunn* (55 Cal. 242) 104  
 — *v. Jefferson* (19 Fed. Rep. 483) 449, 1326  
 — *v. McCarty* (17 Iowa, 525) 886  
*De Soto v. Brown* (44 Mo. App. 148) 977  
*Des Plaines v. Poyer* (123 Ill. 348; 14 N. E. 677; 5 Am. St. Rep. 524) 1035, 1047, 2753  
*D'Esterre v. Brooklyn* (90 Fed. Rep. 586) 1351, 1356, 1475, 1480, 1519  
 — *v. New York* (104 Fed. Rep. 605) 624, 627, 1376



## TABLE OF CASES CITED

113

[References are to pages]

- D'Estimonville v. Montreal* (18 Rap. Jud. Que. C. S. 470) 2966
- Detroit v. Beckman* (34 Mich. 125; 22 Am. Rep. 507) 2865, 2867, 2914, 2918, 2923, 3010
- *v. Beecher* (75 Mich. 454; 42 N. W. 986; 4 L. R. A. 813) 1674, 1732
- *v. Blackeby* (21 Mich. 84; 4 Am. Rep. 450) 2865, 2867, 2950, 2954, 2957, 2958, 2987, 2994, 3011, 3012
- *v. Corey* (9 Mich. 165; 80 Am. Rep. 78) 182, 183, 2809, 3010, 3022, 3027, 3054, 3056
- *v. Daly* (68 Mich. 503; 37 N. W. 11) 2504
- *v. Detroit & E. Plank Road Co.* (12 Mich. 333) 1784, 1801
- *v. Detroit & M. R. Co.* (23 Mich. 173) 1687, 1704, 1709, 1710, 1717, 1724, 1731, 1742, 1786
- *v. Detroit Cit. St. R. Co.* (184 U. S. 368) 2051, 2141, 2239, 2240
- *v. Detroit City Ry. Co.* (56 Fed. Rep. 867) 449
- *v. Detroit City R. Co.* (76 Mich. 421; 43 N. W. 447) 1953, 2476
- *v. Detroit G. H. & M. R. Co.* (112 Mich. 304; 70 N. W. 573) 1617
- *v. Fort Wayne & B. I. R. Co.* (95 Mich. 456; 54 N. W. 958; 20 L. R. A. 79; 35 Am. St. Rep. 580) 986
- *v. Ft. Wayne & E. R. Co.* (90 Mich. 646; 51 N. W. 688) 464, 2065
- *v. Howell Plank Road Co.* (43 Mich. 140; 5 N. W. 275) 187, 190, 191
- *v. Jackson* (1 Doug. [Mich.] 106) 1173, 1190
- *v. Jepp* (52 Mich. 458; 18 N. W. 217) 2479
- *v. Judge of Recorders' Court* (112 Mich. 588; 71 N. W. 149) 2542
- *v. Martin* (34 Mich. 170; 22 Am. Rep. 512) 2829, 2830, 2832
- *v. Moran* (44 Mich. 602; 7 N. W. 180) 1905
- *v. Moran* (46 Mich. 213; 9 N. W. 252) 669
- *v. Mutual Gaslight Co.* (43 Mich. 594; 5 N. W. 1039) 2145
- *v. Osborne* (135 U. S. 492) 93, 2957
- *v. Park Com'rs* (44 Mich. 602; 7 N. W. 180) 1636
- *v. Parker* (181 U. S. 399, rev'g 103 Fed. Rep. 357) 2521, 2523, 2541
- Detroit v. People's Tel. Co.* (135 Mich. 696; 98 N. W. 745) 1962
- *v. Putnam* (45 Mich. 263; 7 N. W. 815) 2957, 2973
- *v. Redfield* (19 Mich. 376) 739, 740
- *v. Somerset County* (35 Me. 373) 882
- *v. Wayne County Circuit Judge* (79 Mich. 384; 44 N. W. 622) 1212, 1213
- *v. Whittemore* (27 Mich. 281) 1246
- Detroit & B. Plank-Road Co. v. Highland Park* (142 Mich. 326; 105 N. W. 775) 2650
- Detroit Board of Education v. Grant* (107 Mich. 151; 64 N. W. 1050) 1267, 1268
- *v. State Board* (133 Mich. 116; 94 N. W. 668) 2370
- Detroit Citizens' St. R. Co. v. Detroit* (22 U. S. App. 570; 64 Fed. Rep. 628; 26 L. R. A. 667) 26, 449, 1949, 1973, 1974, 2002, 2006, 2051, 2083
- *v. Detroit* (12 C. C. A. 365; 64 Fed. Rep. 628) 2141
- *v. Detroit* (125 Mich. 673; 85 N. W. 96; 86 N. W. 809; 84 Am. St. Rep. 589) 2341
- *v. Detroit Board of Public Works* (126 Mich. 459; 85 N. W. 1072) 1959
- *v. Detroit R. Co.* (171 U. S. 48) 1973, 2159
- Detroit City R. Co. v. Mills* (85 Mich. 634; 48 N. W. 1007) 2007
- Detroit E. R. & I. R. Co. v. Bearss* (39 Ind. 598) 830, 1384
- Detroit, Ft. W. & B. I. R. Co. v. Com'rs of Railroads* (127 Mich. 219; 86 N. W. 842) 2007
- Detroit Free Press Co. v. State Auditors* (47 Mich. 135; 10 N. W. 171) 1212
- Detroit Gas Co. v. Moreton Truck & Storage Co.* (111 Mich. 401; 69 N. W. 659) 2216
- Detroit, G. H. & M. R. Co. v. Grand Rapids* (106 Mich. 13; 63 N. W. 1007; 28 L. R. A. 793) 2589
- Detroit Park Com'rs v. Chicago, D. & C. G. T. R. Co.* (91 Mich. 291; 51 N. W. 934) 1617
- *v. Detroit, G. H. & M. R. Co.* (93 Mich. 58; 52 N. W. 1083) 1613, 1617
- *v. Michigan Centr. R. Co.* (90 Mich. 385; 51 N. W. 447) 1613, 1617

[References are to pages]

- Detroit R. E. Investment Co. *v.*  
     Wayne Cir. Judge (137 Mich.  
     108; 100 N. W. 271) 1838  
 Detroit Y. M. Soc. *v.* Detroit (3  
     Mich. 172) 2446  
 De Turk *v.* Commonwealth (129  
     Pa. 151; 18 Atl. 757; 5 L. R.  
     A. 853; 15 Am. St. Rep. 705) 726,  
     727  
 Detwiller *v.* New York (1 S. & C.  
     [N. Y.] 657) 1203  
 Deuel County *v.* First Nat. Bank  
     (86 Fed. Rep. 264) 2690  
 De Varaigne *v.* Fox (2 Blatchf. C.  
     C. 95) 1620  
 Devault *v.* Camden (48 N. J. Law,  
     433; 5 Atl. 451) 809, 812, 815  
 De Vaux *v.* Detroit (Harring. Ch.  
     [Mich.] 98) 1887  
 Devenish *v.* Spokane (21 Wash.  
     77; 57 Pac. 340) 3020  
 Devereaux *v.* Brownville (29 Fed.  
     Rep. 742) 598, 599  
 Deverell *v.* Bauer (41 N. Y. App.  
     Div. 53; 58 N. Y. Supp. 413) 1819  
 Deverill *v.* Grand Trunk R. Co.  
     (25 Up. Can. Q. B. 517) 2969  
 Devers *v.* Howard (144 Mo. 671;  
     46 S. W. 625) 1266  
     — *v.* Howard (88 Mo. App.  
     253) 1190, 1263  
     — *v.* York City (150 Pa. 208;  
     24 Atl. 668) 735  
 De Vignier *v.* New Orleans (16  
     Fed. Rep. 11) 2439  
 Devine *v.* Cook County (84 Ill.  
     590) 311  
     — *v.* Fond du Lac (113 Wis. 61;  
     88 N. W. 913) 2986, 3028  
     — *v.* National Wall Paper Co.  
     (95 N. Y. App. Div. 194; 88  
     N. Y. Supp. 704, *aff'd* 182 N.  
     Y. 565; 75 N. E. 1127) 1875  
 Devlin *v.* Dalton (171 Mass. 338;  
     50 N. E. 632; 41 L. R. A. 379)  
     2796  
     — *v.* New York (63 N. Y. 8) 137,  
     1140, 1277, 2809  
     — *v.* New York (4 Misc. [N. Y.]  
     106; 23 N. Y. Supp. 888) 1146,  
     1152, 1160  
     — *v.* Philadelphia (206 Pa. 518;  
     56 Atl. 21) 2924  
 Devon *v.* Cincinnati, C. & E. R.  
     Co. (128 Ky. 768; 109 S. W.  
     361) 2031  
 Devor *v.* McClintock (9 Watts &  
     S. [Pa.] 80) 628  
 Devore's Appeal (56 Pa. St. 163) 615,  
     619  
 De Voss *v.* Richmond (18 Gratt.  
     [Va.] 338; 98 Am. Dec. 647) 183,  
     1325, 1436, 2812  
 Devoy *v.* New York (36 N. Y. 449) 171  
     — *v.* New York (39 Barb. [N. Y.]  
     169) 731  
 Dew *v.* Judges (3 Hen. & M. [Va.]  
     1) 2672  
     — *v.* Parsons (2 B. & Ald. 562;  
     s. c. 18 Eng. Com. L. 87) 2829  
 Dew's Case (3 Hen. & M. [Va.] 1)  
     2670  
 Dewey *v.* Des Moines (101 Iowa,  
     416; 70 N. W. 605; 173 U. S.  
     193) 1820, 2525, 2562, 2593, 2595  
     — *v.* Detroit (15 Mich. 307) 2839,  
     2884, 3013, 3020, 3021  
     — *v.* Niagara County (62 N. Y.  
     294) 2826  
 Dewey Hotel Co. *v.* United States  
     Elect. Lighting Co. (17 App.  
     D. C. 356) 2747  
 Dewhurst *v.* Allegheny City (95  
     Pa. St. 437) 139  
 Dewitt *v.* Duncan (46 Cal. 342) 1820  
 De Witt *v.* Elizabeth (56 N. J. L.  
     119; 27 Atl. 801) 2538, 2616,  
     2620  
     — *v.* Ithaca (15 Hun [N. Y.]  
     568) 1740  
     — *v.* Rutherford (57 N. J. L.  
     619; 31 Atl. 228) 2554  
     — *v.* San Francisco (2 Cal. 289) 552,  
     1561  
 De Wolf *v.* People (202 Ill. 73; 66  
     N. E. 868) 1217  
 Dexheimer *v.* Orange (60 N. J. L.  
     111; 36 Atl. 706) 282  
 Dexter *v.* Boston (176 Mass. 247;  
     57 N. E. 379; 79 Am. St. Rep.  
     306) 2530, 2531, 2616, 2828  
     — *v.* Gay (115 Ga. 765; 42 S. E.  
     94) 610  
     — *v.* Tree (117 Ill. 532; 6 N. E.  
     506) 1717  
 Dey *v.* Jersey City (19 N. J. Eq.  
     412) 825, 834, 847, 910, 1169  
     — *v.* Lee (4 Jones [N. Car.] 238) 871,  
     1317  
 De Zeng *v.* Beekman (2 Hill [N.  
     Y.] 489) 1597, 1598  
 Diamond *v.* Cain (21 La. An. 309) 175  
     — *v.* Lawrence County (37 Pa.  
     St. 353; 78 Am. Dec. 429) 1325,  
     1407, 1545  
     — *v.* Mankato (89 Minn. 48;  
     93 N. W. 911; 61 L. R. A. 448) 1209,  
     1214  
     — *v.* Smith (27 Tex. Civ. App.  
     558; 66 S. W. 141) 1699  
 Diamond Jo Line Steamers *v.*  
     Davenport (114 Iowa, 432; 87  
     N. W. 399; 54 L. R. A. 859) 1612  
 Diamond Match Co. *v.* Ontona-  
     gon (72 Mich. 249; 40 N. W.  
     448) 1721, 1725, 2336

[References are to pages]

- Diamond Rubber Co. v. Harryman* (41 Colo. 415; 92 Pac. 922; 15 L. R. A. n. s. 775) 2815, 2821
- Dibble v. New Haven* (56 Conn. 199; 14 Atl. 210) 458
- Dice v. Sherman* (107 Va. 424; 59 S. E. 388) 2126
- Dick v. Philadelphia* (197 Pa. 467; 47 Atl. 750) 2558, 2559
- Dickenson v. Fitchburg* (13 Gray [Mass.] 546) 1678
- Dickerman v. Marion* (122 Ill. App. 154) 1705, 1709, 1724
- Dickerson v. Detroit* (99 Mich. 498; 58 N. W. 645) 1697, 1698
- *v. Franklin* (112 Ind. 178; 13 N. E. 579) 2426
- *v. Le Roy* (72 Ill. App. 588) 1893
- Dickey v. Hurlbut* (5 Cal. 343) 634, 642
- *v. People* (160 Ill. 633; 43 N. E. 606) 2611
- *v. Porter* (203 Mo. 1; 101 S. W. 586) 1278
- *v. Reed* (78 Ill. 261) 649, 650, 651, 653, 2729, 2751
- Dickinson v. Arkansas City Imp. Co.* (77 Ark. 570; 92 S. W. 21; 113 Am. St. Rep. 170) 1715, 1718, 1739, 1744, 1845
- *v. Boston* (188 Mass. 595; 75 N. E. 68; 1 L. R. A. n. s. 664) 2135, 2911, 2977
- *v. Detroit* (111 Mich. 480; 69 N. W. 728) 2579
- *v. Hudson* (71 N. J. L. 589; 60 Atl. 220) 278, 288, 314, 325
- *v. Jersey City* (68 N. J. L. 99; 52 Atl. 278) 666
- *v. Maine Tel. Co.* (46 Me. 483) 2974
- *v. New York* (92 N. Y. 584) 1887, 2816
- *v. Poughkeepsie* (75 N. Y. 65) 1185, 1197, 1214, 1222
- *v. Worcester* (7 Allen [Mass.] 19) 3041
- *v. Worcester* (138 Mass. 555) 2581
- Dickinson County v. National Land Co.* (23 Kan. 196) 2832
- Dickinson Township v. Linn* (36 Pa. St. 431) 762
- Dickson v. Racine* (61 Wis. 545; 21 N. W. 620) 2497
- *v. St. Paul* (97 Minn. 258; 106 N. W. 1053) 1281
- *v. Wilkinson* (3 How. [U. S.] 57) 1497
- Diebold v. Kentucky Tr. Co.* (117 Ky. 146; 77 S. W. 674; 63 L. R. A. 637; 111 Am. St. Rep. 230) 2031
- Diedrich v. Northwestern &c. R. Co.* (42 Wis. 248; 24 Am. Rep. 399) 489, 497
- Diefenderfer v. State* (13 Wyo. 387; 80 Pac. 667) 1400, 1401
- Diefenthaler v. New York* (111 N. Y. 331; 19 N. E. 48) 2830
- Diehl v. Metropolitan Elev. R. Co.* (11 N. Y. Misc. 14; 31 N. Y. Supp. 839) 2048
- Diehm v. Cincinnati* (25 Ohio St. 305) 2889
- Dietz v. Neenah* (91 Wis. 422; 64 N. W. 299; 65 N. W. 500) 1648, 2363
- Diggins v. Hartshorne* (108 Cal. 154; 41 Pac. 283) 441, 1278, 2455
- Diggle v. London & B. Co.* (5 Exch. 442) 1170
- Diggs, In re* (52 Ala. 381) 2671
- *v. Lobitz* (4 Okla. 232; 43 Pac. 1069) 1306
- Dighton's Case* (1 Vent. 82) 716
- Dike v. State* (38 Minn. 366; 38 N. W. 95) 1905
- Dill, Matter of* (185 N. Y. 106; 77 N. E. 789, aff'g 100 N. Y. App. Div. 155; 91 N. Y. Supp. 686) 691, 692, 701, 817
- Dill v. Camden Board of Education* (47 N. J. Eq. 421; 20 Atl. 739; 10 L. R. A. 276) 1884
- *v. Roberts* (30 Wis. 178) 232, 2637
- *v. Wareham* (7 Met. [Mass.] 438) 75, 1154, 1180, 1183, 2824, 2877
- *v. Wheeler* (100 N. Y. App. Div. 155; 91 N. Y. Supp. 686) 2657
- Dillard v. Webb* (55 Ala. 468) 2733
- Dillenbach v. Xenia* (41 Ohio St. 207) 1998
- Dillingham v. Snow* (5 Mass. 547) 76, 442, 2407
- *v. Spartanburg* (75 S. Car. 549; 56 S. E. 381; 8 L. R. A. n. s. 412; 117 Am. St. Rep. 917) 1197, 1206, 1208, 1261
- Dillon v. Raleigh* (124 N. Car. 184; 32 S. E. 548) 2947
- Dime Deposit &c. Bank v. Scranton* (208 Pa. 383; 57 Atl. 770) 1395
- Dimes v. Petley* (15 Q. B. 276) 1036
- Dimmick H. Com'rs v. Waltham H. Com'rs* (100 Ill. 631) 1832
- Dimock v. Revere Cooper Co.* (117 U. S. 559) 1497
- *v. Suffield* (30 Conn. 129) 2978
- Dinger v. New York City* (101 N. Y. App. Div. 202; 86 N. Y. Supp. 577; 92 N. Y. Supp. 1120) 2308\*

[References are to pages]

- Dingley *v.* Boston (100 Mass. 544) 556, 1035, 1619, 1620, 1637  
Dingman *v.* People (51 Ill. 277) 464  
Dinsmore *v.* St. Louis (192 Mo. 255; 91 S. W. 95) 2961  
Dionne *v.* Queen (24 Can. S. C. R. 451) 756  
Dipper *v.* Milford (167 Mass. 555; 46 N. E. 122) 3001  
Dishon *v.* Smith (10 Iowa, 212) 643  
District Attorney *v.* Lynn & B. R. Co. (16 Gray [Mass.] 242) 1991  
Dist. of Columbia *v.* Armes (107 U. S. 519) 3017  
— *v.* Armes (8 App. D. C. 393) 1627  
— *v.* Bailey (171 U. S. 161) 1240  
— *v.* Baltimore & P. R. Co. (114 U. S. 453) 1782  
— *v.* Baltimore & P. R. Co. (1 Mackey, 314) 3028, 3032  
— *v.* Boswell (6 App. D. C. 402) 3000  
— *v.* Brooke (214 U. S. 138) 2612, 2618, 2620  
— *v.* Cornell (130 U. S. 655) 1289, 1295, 1300  
— *v.* Cropley (23 App. D. C. 232) 1583, 1758, 3048  
— *v.* Crumbaugh (13 App. D. C. 553) 3001  
— *v.* Dempsey (13 App. D. C. 533) 3012  
— *v.* Frazer (21 App. D. C. 154) 2967  
— *v.* Glass (27 App. D. C. 576) 2830  
— *v.* Haller (4 App. D. C. 405) 2999  
— *v.* McElligott (117 U. S. 621) 2882, 2999  
— *v.* Moulton (182 U. S. 576) 2977, 3001  
— *v.* Payne (13 App. D. C. 500) 3019  
— *v.* Saville (1 McArthur [D. C.] 581; 29 Am. Rep. 616) 929  
— *v.* Sisters of Visitation (15 App. D. C. 300) 2575  
— *v.* Sullivan (11 App. D. C. 533) 3034  
— *v.* Wagaman (4 Mackey [D. C.] 328) 943  
— *v.* Washington & G. R. Co. (1 Mackey [D. C.] 361) 1902  
— *v.* Woodbury (136 U. S. 450) 2882  
— *v.* Wormley (15 App. D. C. 58) 2637  
Dist. of Pittsburgh (2 W. & S. [Pa.] 320) 1627, 1629  
Dittmar *v.* New Braunfels (20 Tex. Civ. App. 293; 48 S. W. 1114) 2214  
Dittoe *v.* Davenport (74 Iowa, 66; 36 N. W. 895) 2362  
Dittrich *v.* Detroit (98 Mich. 245; 57 N. W. 125) 3001  
Dively *v.* Cedar Falls (21 Iowa, 565; s. c. 27 Iowa, 227) 362, 367, 398, 530, 543, 1125, 1284, 1293, 1340, 1834  
Diven *v.* Burlington Sav. Bank (40 Ind. App. 678; 82 N. E. 1020) 2535  
Diveny *v.* Elmira (51 N. Y. 506) 1124, 2993, 3000, 3012  
Diver *v.* Keokuk Sav. Bank (126 Iowa, 691; 102 N. W. 542) 1261, 1262  
Divine *v.* Harvie (7 T. B. Mon. [Ky.] 440; 18 Am. Dec. 194) 742, 2660  
— *v.* Lakeview (121 Mich. 433; 80 N. W. 109) 2658  
Dix *v.* Big Four Drainage Dist. (207 Ill. 17; 69 N. E. 576) 2687  
— *v.* Dummerston (19 Vt. 263) 1240  
Dixon *v.* Baker (65 Ill. 518; 16 Am. Rep. 591) 2926, 3046, 3054  
— *v.* Cincinnati (14 Ohio, 240) 1656, 2794  
— *v.* Detroit (86 Mich. 516; 49 N. W. 628) 2629  
— *v.* Greene County (76 Miss. 794; 25 So. 665) 1213  
— *v.* Mayes (72 Cal. 166; 13 Pac. 471) 2425  
— *v.* Robinson (3 Mod. 108) 1074  
— *v.* San Antonio ([Tex. Civ. App.], 30 S. W. 359) 3020  
— *v.* Washington (4 Cranch C. C. 114) 1112  
Dixon County *v.* Beardshear (38 Neb. 389; 56 N. W. 990) 2829  
— *v.* Field (111 U. S. 83) 346, 392, 1339, 1422, 1442, 1444, 1446, 1447, 1449, 1450, 1455, 1457, 1462, 1463, 1465, 1469, 1479, 1524  
Doane *v.* Chicago City R. Co. (160 Ill. 22; 45 N. E. 507; 35 L. R. A. 588) 1963, 1964, 1965  
— *v.* Lake St. Elev. R. Co. (165 Ill. 510; 46 N. E. 520; 36 L. R. A. 97; 56 Am. St. Rep. 265) 1663, 2017, 2018, 2019, 2020  
Dobbins *v.* Long Branch Com'rs (59 N. J. L. 146; 36 Atl. 482) 296  
— *v.* Los Angeles (195 U. S. 223, rev'g 139 Cal. 179; 72 Pac. 970; 96 Am. St. Rep. 95) 1023, 2061  
— *v.* Northampton (50 N. J. L. 496; 14 Atl. 587) 327  
Dobson *v.* Philadelphia (9 Pa. Dist. R. 139) 1630  
Dodd *v.* Camden (56 N. J. L. 258; 28 Atl. 311) 815  
— *v.* Consolidated Traction Co. (57 N. J. L. 482; 31 Atl. 980) 1098  
— *v.* Hartford (25 Conn. 232) 458, 2787, 2788

## TABLE OF CASES CITED

117

[References are to pages]

Dodd v. Miller (14 Ind. 433)	78	Dolese v. McDougall (78 Ill. App. 629)	1250
— v. Weaver (2 Sneed [Tenn.] 353)	717, 718	Doll v. Crume (41 Neb. 655; 59 N. W. 806)	1266, 1267, 1269
Dodge v. Board of Police Com'rs (1 Cal. App. 608; 82 Pac. 699)	2706	— v. State (45 Ohio St. 445; 15 N. E. 293)	1150
— v. Burlington C. R. & M. R. R. Co. (34 Iowa, 276)	2067	Dollahon v. Whittaker (187 Ill. 84; 58 N. E. 301)	2787
— v. Council Bluffs (57 Iowa, 560; 10 N. W. 886)	1911, 2167, 2768	Dollar v. West-Allen Com. Co. (78 Miss. 274; 28 So. 876)	469
— v. Essex County (3 Met. [Mass.] 380)	1659, 1663	Dollar Sav. Bank v. Ridge (62 Mo. App. 324)	2455
— v. Granger (17 R. I. 664; 24 Atl. 100; 15 L. R. A. 781; 33 Am. St. Rep. 901)	2895	— v. United States (19 Wall. [U. S.] 277)	2479, 2482
— v. Gridley (10 Ohio, 173)	963	Dolloff v. Ayer (162 Mass. 569; 39 N. E. 191)	1186
— v. Memphis (51 Fed. Rep. 165)	530, 543, 1547	Dolton v. Dolton (196 Ill. 154; 63 N. E. 642)	1586
— v. Pennsylvania R. Co. (43 N. J. Eq. 351; 11 Atl. 751, aff'd 45 N. J. Eq. 366; 19 Atl. 622)	1843, 1844	— v. Dolton (201 Ill. 155; 66 N. E. 323)	990
— v. People (113 Ill. 491; 1 N. E. 826)	2744	Domer v. District of Columbia (21 App. D. C. 284)	3014, 3016
— v. Platte County (82 N. Y. 218, rev'g 16 Hun [N. Y.] 285)	1436, 1539	Domestic Tel. & T. Co. v. Newark (49 N. J. L. 344; 8 Atl. 128)	1922, 1923
— v. Williams (46 Wis. 70; 1 N. W. 92; 50 N. W. 1103)	1557	Donable v. Harrisonburg (104 Va. 533; 52 S. E. 174; 113 Am. St. Rep. 1056)	449, 1809, 2099
Dodge County v. Chandler (96 U. S. 205)	1365, 1642, 1831	Donaghy v. Macy (167 Mass. 178; 45 N. E. 87)	734, 735
Dodson v. Cincinnati (34 Ohio, 276)	2930	Donahoe v. Kansas City (136 Mo. 657; 38 S. W. 571)	3022
— v. Fort Smith (33 Ark. 508)	616	Donahue v. Cumberland (25 R. I. 79; 54 Atl. 933)	784
Dodsworth v. Cincinnati (18 Ohio Cir. Ct. 288)	1809, 2637	— v. Graham (61 Cal. 276)	446
Doe v. Attica (7 Ind. 641)	1702, 1716, 1747	— v. Keeshan (91 N. Y. App. Div. 602; 87 N. Y. Supp. 144)	673
— v. Barnes (8 Q. B. 1043)	843	— v. Keystone Gas Co. (181 N. Y. 313; 73 N. E. 1108; 70 L. R. A. 761; 106 Am. St. Rep. 549, aff'g 90 N. Y. App. Div. 386; 85 N. Y. Supp. 478)	1096, 1097, 1778, 1779, 1797, 2044
— v. Chunn (1 Blackf. [Ind.] 336)	2485	— v. Will County (100 Ill. 94, 105)	784
— v. Hildreth (2 Ind. 274)	484	Donaldson v. Boston (16 Gray [Mass.] 508)	3021
— v. Jones (11 Ala. 63)	511, 1694, 1700, 1713, 1723, 1761	Donaldsonville v. Ascension Parish Police Jury (113 La. 16; 36 So. 873)	2575
— v. Manchester, B. & R. Co. (14 M. & W. 687)	1659	Donley v. Pittsburgh (147 Pa. St. 348; 23 Atl. 394)	232
— v. Norton (11 M. & W. 913)	607	Donnaher v. State (16 Miss. 649)	1932, 2067
Doeg v. Cook (126 Cal. 213; 58 Pac. 707; 77 Am. St. Rep. 171)	770	Donnelly v. Rochester (166 N. Y. 315; 59 N. E. 989)	1872, 1873, 1875, 3014
Doering v. State (49 Ind. 56; 19 Am. Rep. 669)	674, 676	— v. Teasdale (21 Fla. 652)	819
Doherty v. Waltham (4 Gray [Mass.] 596)	2963, 2978	— v. Tripp (12 R. I. 97)	2873, 2877
Dolan v. Baltimore (4 Gill [Md.] 394)	2573	Donner v. Metropolitan St. R. Co. (133 Mo. App. 527; 113 S. W. 669)	2006
— v. New York City (62 N. Y. 472)	2599		
— v. New York (68 N. Y. 279)	746, 748		
— v. New York & H. R. Co. (74 N. Y. App. Div. 434; 77 N. Y. Supp. 815)	2010, 2023		
Doland v. Clark (143 Cal. 176; 76 Pac. 958)	362, 376, 415, 1235		



[References are to pages]

- Donoho v. Vulcan Iron Works* (75 Mo. 401) 3000  
*Donohoo v. Murray* (62 Wis. 100; 22 N. W. 167) 1716  
*Donohue v. New York* (3 Daly [N. Y.] 165) 3054  
*Donough v. Dewey* (82 Mich. 309; 46 N. W. 782) 843  
*Donovan v. Allert* (11 N. Dak. 289; 91 N. W. 441; 58 L. R. A. 775; 95 Am. St. Rep. 720) 1664, 1929, 1932  
—— *v. Board of Education* (85 N. Y. 117) 2860  
—— *v. Cantor* (89 N. Y. App. Div. 50; 85 N. Y. Supp. 406; s. c. 179 N. Y. 527; 71 N. E. 1130) 692, 699, 808, 818, 2656  
—— *v. McAlpine* (85 N. Y. 185; 39 Am. Rep. 649) 776  
—— *v. New York* (33 N. Y. 291) 1180, 1185  
—— *v. New York Board of Education* (85 N. Y. 117) 2890  
—— *v. Oswego* (42 N. Y. App. Div. 539; 59 N. Y. Supp. 759) 2819  
—— *v. Oswego* (90 N. Y. App. Div. 397; 86 N. Y. Supp. 155) 2528  
—— *v. Pennsylvania Co.* (199 U. S. 279, aff'g 120 Fed. Rep. 215; 61 L. R. A. 140) 1772, 1855, 1856  
—— *v. Royal* (26 Tex. Civ. App. 248; 63 S. W. 1054) 3037  
—— *v. Springfield* (12 Mass. 371) 1682  
—— *v. Vicksburg* (29 Miss. 247) 957, 959  
*Doolan v. Manitowoc* (48 Wis. 312; 4 N. W. 475) 732  
*Dooley v. Kansas City* (82 Mo. 444; 52 Am. Rep. 380) 2874  
—— *v. Meriden* (44 Conn. 117; 26 Am. Rep. 433) 2967  
—— *v. Sullivan* (112 Ind. 451; 14 N. E. 566; 2 Am. St. Rep. 209) 2581, 2880, 2980, 3014, 3026  
*Dooling v. Ocean City* (67 N. J. L. 215; 50 Atl. 621) 2538  
*Doolittle v. Broome County* (18 N. Y. 155) 1790, 2752, 2760, 2769, 2773  
—— *v. Galena & C. U. R. Co.* (14 Ill. 381) 2793  
—— *v. Walpole* (67 N. H. 554; 38 Atl. 19) 2856  
*Dooly Block v. Salt Lake R. T. Co.* (9 Utah, 31; 33 Pac. 229) 2009  
*Dooner v. Pennsylvania R. Co.* (142 Pa. 36; 21 Atl. 755) 2027  
*Doon Township v. Cummins* (142 U. S. 366) 342, 348, 351, 367, 381, 1442, 1531  
*Doran v. Barnes* (54 Kan. 238; 38 Pac. 300) 2599  
—— *v. Camden* (64 N. J. L. 666; 46 Atl. 724) 961, 986, 987  
—— *v. De Long* (48 Mich. 552; 12 N. W. 848) 646  
*Dorathy v. Chicago* (53 Ill. 79) 2631  
*Dorchester v. Ensor* (L. R. 4 Ex. 335) 1074  
—— *v. Wentworth* (31 N. H. 451) 1655, 2793  
*Dore v. Gray* (2 T. R. 358) 2495  
—— *v. Milwaukee* (42 Wis. 18) 450, 1169, 1823, 2922, 2933  
*Doremus v. Paterson* (70 N. J. Eq. 296; 62 Atl. 3) 2203  
—— *v. Paterson* (73 N. J. Eq. 474; 69 Atl. 224) 1622, 3037, 3053  
*Dorey v. Boston* (146 Mass. 336; 15 N. E. 897) 869, 901  
*Dorgan v. Boston* (94 Mass. 223) 2511  
—— *v. Boston* (12 Allen [Mass.] 223) 1133, 1665, 2498, 2537  
*Dorian v. Shreveport* (28 Fed. Rep. 287) 1547  
*Dorland v. McGlynn* (47 Cal. 47) 2629  
*Dorlon v. Brooklyn* (46 Barb. [N. Y.] 504) 3013  
*Dorman v. Bates Mfg. Co.* (82 Me. 438; 19 Atl. 915) 1717, 1724, 1742  
—— *v. Jacksonville* (13 Fla. 538; 7 Am. Rep. 253) 2923, 2927, 2936  
*Dorothy v. Pierce* (27 Oreg. 373; 41 Pac. 668) 2764  
*Dorrance Street, Re* (4 R. I. 230) 2495  
*Dorrington v. Yuma County* (8 Ariz. 4; 68 Pac. 541) 2651  
*Dorrosan v. Huttner* (48 Ga. 133) 2849  
*Dorsch v. Beaumont Glass Co.* (74 Ohio St. 208; 78 N. E. 215) 1837  
*Dorsey v. Ansley* (72 Ga. 460) 2741  
—— *v. Smyth* (28 Cal. 21) 747, 748  
*Dorwin v. Strickland* (57 N. Y. 492) 774  
*Dosdall v. Olmsted County* (30 Minn. 96; 14 N. W. 458; 44 Am. Rep. 185) 2857  
*Dotey v. District of Columbia* (25 App. D. C. 232) 1819  
*Dotton v. Albion* (50 Mich. 129; 15 N. W. 46) 3015  
*Doty v. Bassett* (44 Kan. 754; 26 Pac. 51) 2322  
—— *v. Lyman* (166 Mass. 318; 44 N. E. 337) 912  
—— *v. Port Jervis* (23 N. Y. Misc. 313; 52 N. Y. Supp. 57) 2880  
*Dougan v. Greenwich* (77 Conn. 444; 59 Atl. 505) 1757  
*Dougherty v. Austin* (94 Cal. 601; 28 Pac. 834; 29 Pac. 1092; 16 L. R. A. 161) 260, 276, 279



[References are to pages]

- Dougherty v. Coffin* (69 Cal. 454; 10 Pac. 672) 2634  
 — *v. Excelsior Springs* (110 Mo. App. 623; 85 S. W. 112) 846  
 — *v. Hitchcock* (35 Cal. 512) 2452, 2630  
 — *v. Horseheads* (159 N. Y. 154; 53 N. E. 799, rev'g 5 N. Y. App. Div. 625; 39 N. Y. Supp. 447) 1876  
 — *v. Horseheads* (26 N. Y. Supp. 642; 73 Hun [N. Y.] 443) 2984  
 — *v. Nevada Bank* (81 Cal. 162; 22 Pac. 513) 2634  
 — *v. Norwood Borough* (196 Pa. 92; 46 Atl. 384) 1237  
*Doughten v. Camden* (72 N. J. L. 451; 63 Atl. 170; 3 L. R. A. n. s. 817; 111 Am. St. Rep. 680, rev'g 71 N. J. L. 426; 59 Atl. 16) 2506, 2537, 2564, 2601  
*Doughty v. Conover* (42 N. J. L. 193) 314  
 — *v. Hope* (3 Denio [N. Y.] 249) 1648  
 — *v. Somerville & E. R. R. Co.* (21 N. J. L. 442) 1648  
*Douglas, In re* (3 Q. B. 825) 1037  
*Douglas v. Board of Education* (21 N. Y. App. Div. 209; 47 N. Y. Supp. 435) 746  
 — *v. Branch Bank, &c.* (19 Ala. 659) 609  
 — *v. Chatham* (41 Conn. 211) 569, 585, 2655  
 — *v. McLean* (25 Pa. Super. Ct. 9) 2644, 2647, 2657, 2675, 2720  
 — *v. Niantic Sav. Bank* (97 Ill. 228) 1349  
*Douglas County v. Bolles* (94 U. S. 202) 1420, 1461, 1466, 1475  
 — *v. Commonwealth* (97 Va. 397; 34 S. E. 52) 2365  
*Douglass, In re* (46 N. Y. 42) 907, 908  
 —, *Ex parte* (1 Utah, 108) 966, 1110  
 — *v. Anniston* (104 Ala. 291; 16 So. 133) 2464  
 — *v. Barker* (18 R. I. 459; 28 Atl. 805) 675  
 — *v. Commonwealth* (2 Rawle [Pa.] 262) 1104  
 — *v. Commonwealth* (108 Pa. St. 559) 1223, 2647  
 — *v. Craig* (4 Kan. App. 99; 46 Pac. 197) 2617, 2622  
 — *v. Essex County* (38 N. J. L. 214) 667, 680, 2666  
 — *v. Harrisonville* (9 W. Va. 162; 27 Am. Rep. 548) 2747, 2787  
 — *v. Jersey City* (53 N. J. L. 118; 20 Atl. 831) 804  
*Douglass v. Lincoln County* (5 Fed. Rep. 775) 1372  
 — *v. Montgomery* (118 Ala. 599; 24 So. 745; 43 L. R. A. 376) 1747, 1750, 1758  
 — *v. Pike County* (101 U. S. 677) 1406, 1408, 1409, 1420, 1526, 1545  
 — *v. Placerville* (18 Cal. 643) 453, 2767, 2772  
 — *v. State* (31 Ind. 429) 748  
 — *v. Virginia City* (5 Nev. 147) 524, 1139, 1233, 1327, 1347  
*Douglass County v. Keller* (43 Neb. 635; 62 N. W. 60) 659  
*Douglasville v. Jones* (60 Ga. 423) 2827  
*Doulson v. Clinton* (33 Iowa, 397) 3013  
*Dovaston v. Payne* (2 Smith Lead. Cas. 185) 1686, 1796  
*Dover v. Attorney-Gen.* (62 N. J. L. 647; 42 Atl. 674, aff'g 62 N. J. L. 40; 40 Atl. 640) 286  
 — *v. Fox* (9 B. Mon. [Ky.] 200) 1695, 1702, 1708, 1747  
 — *v. Twombly* (42 N. H. 59) 683  
*Dover Street, Matter of* (18 Johns. [N. Y.] 506) 1651, 1652, 1671  
*Dow v. Beidelman* (125 U. S. 680) 2226, 2228, 2275  
 — *v. Bullock* (13 Gray [Mass.] 136) 718  
 — *v. Humbert* (91 U. S. 294) 775, 778  
 — *v. Portsmouth, K. & Y. St. R.* (70 N. H. 410; 49 Atl. 570) 2963  
*Dowdney v. New York* (54 N. Y. 186) 2489  
*Dowell v. Guthrie* (99 Mo. 653; 12 S. W. 900; 17 Am. St. Rep. 598) 2981, 2983  
 — *v. Portland* (13 Oreg. 248; 10 Pac. 308) 1187, 2485  
 — *v. Talbot Pav. Co.* (138 Ind. 675; 38 N. E. 389) 1250, 1251  
*Dower v. Richards* (151 U. S. 658) 2258  
*Dowlan v. Sibley County* (36 Minn. 430; 31 N. W. 517) 63  
*Downend v. Kansas City* (156 Mo. 60; 56 S. W. 902; 51 L. R. A. 170) 1727, 1729, 2975  
 — *v. Kansas City* (71 Mo. App. 529) 1746  
*Downer v. Boston* (6 Cush. [Mass.] 277) 1814, 2622  
*Downes v. Dimock & Fink Co.* (75 N. Y. App. Div. 513; 78 N. Y. Supp. 348) 1845  
 — *v. Harper Hospital* (101 Mich. 555; 60 N. W. 42; 45 Am. St. Rep. 427) 2897  
*Downey v. Boston* (184 Mass. 20; 67 N. E. 638) 2960

[References are to pages]

- Downey *v.* People (205 Ill. 230; 68 N. E. 807) 2625  
 — *v.* State (160 Ind. 578; 67 N. E. 450) 671, 728, 733, 734, 805, 807, 914  
 Downing *v.* Coatesville (214 Pa. 291; 63 Atl. 696) 1728, 1738  
 — *v.* Des Moines (124 Iowa, 289; 99 N. W. 1067) 1819  
 — *v.* Marshall (23 N. Y. 366; 80 Am. Dec. 290) 1557, 1568  
 — *v.* Miltonvale (36 Kan. 740; 14 Pac. 281) 948, 988  
 — *v.* Rugar (21 Wend. [N. Y.] 178; 34 Am. Dec. 223) 774, 849, 865  
 Downs *v.* Ansonia (73 Conn. 33; 46 Atl. 243) 2919, 3043, 3045  
 — *v.* High Point (115 N. Car. 182; 20 S. E. 385) 3056  
 — *v.* Smyrna (2 Pen. [Del.] 132; 45 Atl. 717) 440, 3014, 3020  
 — *v.* New York (75 N. Y. App. Div. 423; 78 N. Y. Supp. 442, aff'd 173 N. Y. 651; 66 N. E. 1107) 746  
 — *v.* Wyandotte County (48 Kan. 640; 29 Pac. 1077) 2604  
 Dows *v.* Chicago (11 Wall. [U. S.] 108) 2747, 2748, 2765, 2787, 2788  
 — *v.* Elmwood (34 Fed. Rep. 114) 137, 1375, 1524  
 Doyle *v.* Austin (47 Cal. 353) 2312, 2432, 2435, 2446, 2505, 2577  
 — *v.* Continental Ins. Co. (94 U. S. 535) 1158  
 — *v.* Falconer (1 Privy Council Appeals, 329) 789  
 — *v.* Knox (67 N. Y. App. Div. 231; 73 N. Y. Supp. 650) 694  
 — *v.* Manhattan R. Co. (128 N. Y. 488; 28 N. E. 495) 2044  
 — *v.* Newark (34 N. J. L. 236) 2637, 2641  
 — *v.* People (207 Ill. 75; 69 N. E. 639) 1217  
 — *v.* Raleigh (89 N. Car. 133; 45 Am. Rep. 677) 2668  
 Drain Commissioner *v.* Baxter (57 Mich. 127; 23 N. W. 711) 616  
 Drainage Com'rs *v.* Lewis (101 Ill. App. 150) 1194  
 Drake *v.* Elizabeth (69 N. J. L. 190; 54 Atl. 248) 1144, 1147  
 — *v.* Grout (21 Ind. App. 534; 52 N. E. 775) 2530  
 — *v.* Hudson River R. Co. (7 Barb. [N. Y.] 508) 1999, 2010, 2023  
 — *v.* Kansas City (190 Mo. 370; 88 S. W. 689; 109 Am. St. Rep. 759) 3014, 3015, 3016  
 — *v.* Lowell (13 Met. [Mass.] 292) 2973, 2987, 2988  
 Drake *v.* Phillips (40 Ill. 388) 2401, 2768, 2770, 2772  
 Dranga *v.* Rowe (127 Cal. 506; 59 Pac. 944) 2312  
 Draper *v.* Atlanta (126 Ga. 649; 55 S. E. 929) 2580  
 — *v.* Fall River (185 Mass. 142; 69 N. E. 1068) 2774  
 — *v.* Ironton (42 Wis. 696) 3018  
 — *v.* Springport (104 U. S. 501) 1172, 1376  
 Dreher *v.* Fitchburg (22 Wis. 675; 99 Am. Dec. 91) 2990  
 Drennen *v.* Griffin (145 Ala. 128; s. c. 150 Ala. 241; 43 So. 785) 2785  
 Dressman *v.* Farmers' & Traders' Nat. Bank (100 Ky. 571; 38 S. W. 1052; 36 L. R. A. 121) 2486  
 — *v.* Semonin (104 Ky. 693; 47 S. W. 767) 2486  
 Drew *v.* Geneva (150 Ind. 662; 50 N. E. 871; 42 L. R. A. 814) 1813, 1820  
 — *v.* New River Co. (6 C. & P. 754) 3054  
 — *v.* Sutton (55 Vt. 586; 45 Am. Rep. 644) 3032  
 — *v.* West Orange (64 N. J. L. 481; 45 Atl. 787) 269  
 Dreyfus *v.* Lonergan (73 Mo. App. 336) 914, 2654  
 Driftwood Val. Turnp. Co. *v.* Bartholomew Co. Com'rs (72 Ind. 226) 1180  
 Driggs *v.* Phillips (103 N. Y. 77; 8 N. E. 514) 1711, 1787, 1887, 1897  
 — *v.* State (52 Ohio St. 37; 38 N. E. 882) 277  
 Drinkwine *v.* Eau Claire (83 Wis. 428; 53 N. W. 673) 2822  
 Driscoll *v.* New Haven (75 Conn. 92; 52 Atl. 618) 203, 1585, 1622  
 — *v.* New York (78 N. Y. App. Div. 52; 79 N. Y. Supp. 479) 738, 746  
 — *v.* Smith (59 Wis. 38; 17 N. W. 876) 2798  
 Drisko *v.* Columbia (75 Me. 73) 833  
 Driver *v.* Moore (81 Ark. 80; 98 S. W. 734) 2532  
 — *v.* Western Union R. Co. (32 Wis. 569; 14 Am. Rep. 726) 1677  
 Droege *v.* McInerney (120 Ky. 796; 87 S. W. 1085) 274, 300  
 Drogheda, *In re* (O'M. 252) 644  
 Dronberger *v.* Reed (11 Ind. 420) 1662  
 Droz *v.* Baton Rouge (36 La. An. 307) 458, 469, 2773  
 Drucker *v.* Manhattan R. Co. (106 N. Y. 157; 12 N. E. 568; 60 Am. Rep. 437, aff'g 51 Super. Ct. 429) 2046

## TABLE OF CASES CITED

121

[References are to pages]

- Drury v. Natick* (10 Allen [Mass.] 169) 2775  
 — *v. Wolf* (134 Ill. 294; 25 N. E. 626) 1398  
 — *v. Worcester* (21 Pick. [Mass.] 44) 2964  
*Dry Dock, E. B. & B. R. Co. v. New York* (47 Hun [N. Y.] 221) 1093  
*Duane v. Chicago* (198 Ill. 471; 64 N. E. 1033) 2453, 2614  
 — *v. McDonald* (41 Conn. 517) 2669  
*Duanesburgh v. Jenkins* (57 N. Y. 177) 231, 2654  
 — *v. Jenkins* (40 Barb. [N. Y.] 574) 581, 1524, 1535  
*Dubach v. Hannibal & St. J. R. Co.* (89 Mo. 483; 1 S. W. 86) 1932, 1983, 2021  
*Dube v. Peck* (22 R. I. 443; 48 Atl. 477) 1156  
*Du Bignon v. Brunswick* (106 Ga. 317; 32 S. E. 102) 2479  
*Dublin Case* (38 N. H. 450) 1580  
*Dublin v. Attorney General* (3 Cl. & F. 289) 1570  
*Dubois v. Augusta* (Dudley [Ga.] Rep. 30) 922, 926, 1030  
 — *v. Campau* (24 Mich. 360) 2485  
 — *v. Delaware & H. Canal Co.* (4 Wend. [N. Y.] 285) 1175  
*Du Bois v. Du Bois City Water-works Co.* (176 Pa. 430; 35 Atl. 248; 34 L. R. A. 92) 2181  
 — *v. Kingston* (102 N. Y. 219; 6 N. E. 273; 55 Am. Rep. 804) 1876, 2961, 3001  
*Dubordieu v. Butler* (49 Cal. 512) 2652  
*Dubuque v. Benson* (23 Iowa, 248) 1691, 1700, 1831  
 — *v. Chicago, D. & M. R. Co.* (47 Iowa, 196) 2399  
 — *v. Harrison* (34 Iowa, 163) 2483  
 — *v. Illinois Cent. R. Co.* (39 Iowa, 56) 183, 2347, 2403, 2423, 2424, 2479  
 — *v. Maloney* (9 Iowa, 450; 74 Am. Dec. 358) 1694, 1699, 1716, 1786, 1830, 1831  
 — *v. Miller* (11 Iowa, 583) 1073, 1080  
 — *v. Northwestern L. Ins. Co.* (29 Iowa, 9) 2406, 2424  
 — *v. Rebman* (1 Iowa, 444) 1135  
 — *v. Stout* (32 Iowa, 80; 7 Am. Rep. 171) 510, 514, 515  
 — *v. Wooten* (28 Iowa, 571) 908, 1649, 2610  
*Dubuque Bank v. United States* (1 G. Greene [Iowa] 553) 915  
*Dubuque County v. D. & P. Railroad Co.* (4 G. Greene [Iowa] 1) 347, 570  
*Dubuque Fem. College v. Dubuque* (13 Iowa, 555) 1190, 1195  
*Ducat v. Chicago* (10 Wall. [U. S.] 410) 2353  
 — *v. Chicago* (48 Ill. 172; 95 Am. Dec. 529) 2354  
*Duchess of Kingston's Case* (20 How. St. Tr. 355) 2731  
*Ducksworth v. Johnson* (4 H. & N. 653) 3005  
*Duckwall v. New Albany* (25 Ind. 283) 519, 1004  
*Dudley, Matter of* (33 N. Y. App. Div. 465; 53 N. Y. Supp. 742) 837  
 — *v. Buffalo* (73 Minn. 347; 76 N. W. 44) 3060  
 — *v. Flemingsburg* (115 Ky. 5; 72 S. W. 327; 60 L. R. A. 575; 103 Am. St. Rep. 253) 2880, 2904  
 — *v. Frankfort* (12 B. Mon. [Ky.] 610) 1847, 1898, 2753, 2755  
 — *v. Lake County* (80 Fed. Rep. 672) 388, 389, 393, 403, 1397, 1452, 1457, 1531  
 — *v. New Britain* (77 Conn. 322; 59 Atl. 89) 3053  
 — *v. Weston* (1 Met. [Mass.] 477) 889  
 — *v. Weston* (3 N. Y. 9) 2731  
*Duerr v. Newark* (55 N. J. L. 272; 26 Atl. 144) 809  
*Duffey v. Tilton* (14 La. An. 283) 1790  
*Duffghe v. Metropolitan St. R. Co.* (109 N. Y. App. Div. 603; 96 N. Y. Supp. 324, aff'd 187 N. Y. 522; 79 N. E. 1104) 1853  
*Duffield v. Ashurst* ([Ariz.] 100 Pac. 820) 2740  
 — *v. Detroit* (15 Mich. 474) 1655  
*Duffield's Case* (Bright. Elec. Cas. 646) 2671  
*Dufford v. Staats* (54 N. J. L. 286; 23 Atl. 667) 281  
*Duffy v. Baltimore* (Taney C. C. 200) 2850  
 — *v. Dubuque* (63 Iowa, 171; 18 N. W. 900; 50 Am. Rep. 743) 2987, 2989  
 — *v. New Orleans* (49 La. An. 114; 21 So. 179) 1769  
 — *v. Saginaw* (106 Mich. 335; 64 N. W. 581) 1219, 1220  
*Dugan v. Baltimore* (1 Gill & J. [Md.] 499) 2482, 2483  
 — *v. Baltimore* (5 Gill & Johns. [Md.] 353, rev'g s. c. 3 Bland Ch. 361) 511, 513, 1702  
 — *v. Farrier* (47 N. J. L. 383; 1 Atl. 751, aff'd 48 N. J. L. 613; 7 Atl. 881) 844  
 — *v. United States* (3 Wheat. [U. S.] 172) 679, 763

[References are to pages]

Duggen v. McGruder (Walk. [Miss.] 112; 12 Am. Dec. 527)	2798	Dunbar v. Canyon County (5 Idaho, 407; 49 Pac. 409)	547, 2770
Dugro, <i>In re</i> (50 N. Y. 513)	1202, 1204	— v. San Francisco (1 Cal. 355)	2847
Duke v. Brown (96 N. Car. 127; 1 S. E. 873)	659, 1480	— v. Soule (129 Mass. 284)	1568
— v. Cahaba Nav. Co. (16 Ala. 372)	2733	Duncan v. Charleston (60 S. Car. 532; 39 S. E. 265)	359, 360, 1147
— v. Central New Jersey Tel. Co. (53 N. J. L. 341; 21 Atl. 460)	1927	— v. Hayes (22 N. J. Eq. 25)	1039
— v. Rome (20 Ga. 635)	2843	— v. Louisville (8 Bush [Ky.] 98)	1652, 1653, 2654
Duke of Buccleuch v. Metropolitan Board of Works (L. R. 5 H. L. C. 418)	2935	— v. Lynchburg (2 Va. Dec. 700; 34 S. E. 964; 48 L. R. A. 331)	440, 449, 1566, 1809, 2099, 2856, 2869
Duker v. Barber Asphalt Pav. Co. ([Ky.], 74 S. W. 744)	2426	— v. Missouri (152 U. S. 377)	2465
Dulaney v. Scudder (94 Fed. Rep. 6)	1281	— v. Niles (32 Ill. 532; 83 Am. Dec. 293)	777
— v. United Railways & El. Co. (104 Md. 423; 65 Atl. 45)	1868	— v. Owensboro Water Co. ([Ky.], 12 S. W. 557)	2305
Dullam v. Willson (53 Mich. 392; 19 N. W. 112; 51 Am. Rep. 128)	785, 792	— v. Ramiah (142 Cal. 688; 76 Pac. 661)	2364, 2525
Dullanty v. Vaughn (77 Wis. 38; 45 N. W. 1128)	1192	Duncan's Executors v. Owensboro Water Co. ([Ky.], 15 S. W. 523)	2305
Duluth, <i>In re</i> (59 Minn. 522; 61 N. W. 678)	2637	Duncomb v. New York, H. & N. R. Co. (84 N. Y. 190)	2258
— v. Abrahamson (96 Minn. 39; 104 N. W. 682)	909	— v. Fort Dodge (38 Iowa, 281)	1171 1237
— v. Davidson (97 Minn. 378; 107 N. W. 151)	2618	Dundy v. Richardson County (8 Neb. 508)	131
— v. Duluth Tel. Co. (84 Minn. 486; 87 N. W. 1127)	1923, 1985	Dunham v. Angus (145 Cal. 165; 78 Pac. 557)	1585
— v. McDonnell (61 Minn. 288; 63 N. W. 727)	1157, 1230	— v. Boston (12 Allen [Mass.] 375)	1221
— v. Mallett (43 Minn. 204; 45 N. W. 154)	1093	— v. Chicago (55 Ill. 357)	2447
Duluth Banking Co. v. Koon (81 Minn. 486; 84 N. W. 335)	300, 332	— v. Hyde Park (75 Ill. 371)	458, 1819, 1820
Duluth, S. S. & A. R. Co. v. Douglas County (103 Wis. 75; 79 N. W. 34)	883	— v. Lowell (200 Mass. 468; 86 N. E. 951)	2486
Du Mahaut, Matter of (43 N. Y. App. Div. 56; 59 N. Y. Supp. 353)	810	— v. New Britain (55 Conn. 378; 11 Atl. 354)	990, 1108
Dumars v. Denver (16 Colo. App. 375; 65 Pac. 580)	945, 2607, 2608, 2609	— v. People (96 Ill. 331)	2391
Dumas v. Garnett (32 Fla. 64; 13 So. 464)	483	— v. Rochester (5 Cow. [N. Y.] 462)	925, 957, 996, 1000, 1004, 1009, 1077
Dumesnil v. Dupont (18 B. Mon. [Ky.] 800; 68 Am. Dec. 750)	1038, 1043	Dunio v. People (17 Ill. 416)	1706
— v. Gleason (99 Ky. 652; 37 S. W. 69)	2527	Duniway v. Portland (47 Oreg. 103; 81 Pac. 945)	870, 871, 2629, 2637
— v. Shanks (97 Ky. 354; 30 S. W. 654)	2527	Dunkin v. Blust (83 Neb. 80; 119 N. W. 8)	2783
Dummer v. Jersey City (20 N. J. L. 86; 40 Am. Dec. 213)	1695, 1708, 1755, 1786, 1792	Dunkirk v. Wallace (19 Ind. App. 298; 49 N. E. 463)	1259, 1279
		Dunlap v. Gallatin County (15 Ill. 9)	2481
		— v. Knapp (14 Ohio St. 64; 82 Am. Dec. 468)	768
		— v. Mt. Sterling (14 Ill. 251)	1820
		Dunleith v. Reynolds (53 Ill. 45)	2408
		Dunleith & D. Br. Co. v. Dubuque (32 Iowa, 427)	2423, 2458
		Dunlop v. York (16 Grant [Canada] 216)	1658
		Dunmore v. Scranton R. Co. (34 Pa. Super. Ct. 294)	1943

[References are to pages]

- Dunmore's Appeal* (52 Pa. St. 374) 625, 630, 978, 1126
- Dunn v. Charleston* (Harper [S. Car.] Law, 189) 1622, 1638
- *v. Commonwealth* (105 Ky. 834; 49 S. W. 813; 43 L. R. A. 701; 88 Am. St. Rep. 344) 1096
- *v. McNeely* (75 Mo. App. 217) 1214
- *v. St. Andrew's Church Rector* (14 Johns. [N. Y.] 118) 1184
- *v. Wilcox Court of County Revenues* (85 Ala. 144; 4 So. 661) 62, 63, 65, 127, 926, 944, 1100
- Dunne v. Kansas City, C. R. Co.* (131 Mo. 1; 32 S. W. 641) 257, 259, 260, 267, 275, 284, 287, 288
- *v. New York* (116 N. Y. App. Div. 331; 101 N. Y. Supp. 678) 713, 714, 737
- Dunning v. Aurora* (40 Ill. 481) 1789
- *v. Railroad Co.* (10 Ind. 437) 442
- Dunnovan v. Green* (57 Ill. 63) 199, 345, 583, 654, 1536, 2389, 2791
- Dunsmore's Appeal* (52 Pa. 374) 144, 184, 222
- Dunstan v. New York* (91 N. Y. App. Div. 355; 86 N. Y. Supp. 562) 2135, 2895, 2910, 2912, 3022, 3055
- Dupage County v. Jenks* (65 Ill. 275) 2764
- Dupee v. Swigert* (127 Ill. 494; 21 N. E. 622) 275
- Duperier v. Viator* (35 La. An. 957) 655, 662
- Dupont v. Dist. of Columbia* (20 App. D. C. 477) 1024, 1025
- *v. Pittsburgh* (69 Fed. Rep. 13) 406
- Du Pratt v. Lick* (38 Cal. 691) 3022
- Dupuy v. Iberville Police Jury* (116 La. 783; 41 So. 91) 1583
- Duquesne Bor. v. Keeler* (213 Pa. 518; 62 Atl. 1071) 2607
- Durach's Appeal* (62 Pa. 491) 144, 177, 2471
- Durango v. Chapman* (27 Colo. 169; 60 Pac. 635) 985
- *v. Davis* (13 Colo. App. 285; 57 Pac. 733) 1730
- *v. Hampson* (29 Colo. 77; 66 Pac. 883) 731, 740
- *v. Pennington* (8 Colo. 257; 7 Pac. 14) 873, 1169, 1190, 1191
- *v. Reinsberg* (16 Colo. 327; 26 Pac. 820) 449, 981
- Durant v. Albany County* (26 Wend. [N. Y.] 66) 2480
- *v. Carter* (L. R. 9 C. P. 261) 637
- *v. Iowa County* (Woolworth C. C. R. 69) 397, 1325, 1402
- Durant v. Jersey City* (25 N. J. L. 309) 867, 2610
- *v. Kauffman* (34 Iowa, 194) 2429
- *v. Palmer* (29 N. J. L. 544) 2974, 2994, 3028, 3031
- Durbin v. Napoleon* (21 Ohio Cir. Ct. R. 160) 2998, 3000
- Durch v. Chippewa Co.* (60 Wis. 227; 19 N. W. 79) 440
- Duren v. Stephens* (126 Ga. 496; 54 S. E. 1045) 1015
- *v. Thomasville* (125 Ga. 1; 53 S. E. 814) 1128
- Durfey v. Hoag* (1 Aiken [Vt.] 286) 882
- Durgin v. Lowell* (3 Allen [Mass.] 398) 1713, 1727
- Durham v. Eno Cotton Mills* (141 N. Car. 615; 54 S. E. 453; 7 L. R. A. n. s. 321) 2203
- *v. Eno Cotton Mills* (144 N. Car. 705; 57 S. E. 465; 11 L. R. A. n. s. 1163) 2203
- *v. Spokane* (27 Wash. 615; 68 Pac. 383) 2815, 2821
- Durham's Case, Mayor of* (1 Sid. 33) 715, 2672
- Durkee v. Barre* (81 Vt. 530; 71 Atl. 819) 2370, 2531
- *v. Janesville* (28 Wis. 464; 9 Am. Rep. 500) 138, 2401, 2488, 3024
- *v. Kenosha* (59 Wis. 123; 17 N. W. 677; 48 Am. Rep. 480) 2876
- Durkin v. Troy* (61 Barb. [N. Y.] 437) 2967, 2968, 2970, 3001
- Durr v. Howard* (6 Ark. 461) 1130
- Durrell v. Woodbury* (74 N. J. L. 206; 65 Atl. 198, aff'd 75 N. J. L. 939; 70 Atl. 1100) 2601
- Duryea v. New York* (10 Daly [N. Y.] 300, aff'd 100 N. Y. 625) 2850
- Duryee v. Friars* (18 Wash. 55; 50 Pac. 583) 397
- *v. New York* (96 N. Y. 477) 986
- Dusenberry v. New York, W. & C. Traction Co.* (46 N. Y. App. Div. 267; 61 N. Y. Supp. 420) 1955, 1961
- *v. Mutual Tel. Co.* (11 Abb. N. C. [N. Y.] 440) 1928
- *v. Newark* (25 N. J. Eq. 295) 2790
- Dusseau v. Municipality* (6 La. An. 575) 1657, 2799
- Dutch v. Harrison* (5 J. & S. [N. Y.] 306) 1167
- Dutchess County Ins. Co. v. Hatchfield* (1 Hun [N. Y.] 675) 1546
- Du Toit v. Belview* (94 Minn. 128; 102 N. W. 216) 347, 403
- Dutton v. Aurora* (114 Ill. 138; 28 N. E. 461) 342, 1233
- *v. State* (42 Neb. 804; 60 N. W. 1042) 2661



[References are to pages]

- Dutton v. Strong (1 Black [U. S.] 23) 478, 479, 483, 489, 1042
- Du Val v. Hot Springs (34 Ark. 560) 977
- Duval County v. Jacksonville (36 Fla. 196; 18 So. 339) 1767, 2707
- Dwengen v. Chicago & G. T. R. Co. (98 Ind. 153) 2000, 2010
- Dwight v. Hampden Co. Com'rs (11 Cush. [Mass.] 201) 1678
- v. Palmer (74 Ill. 295) 1149
- v. Springfield (4 Gray [Mass.] 107) 1655, 2793, 2797, 2798
- Dwight Printing Co. v. Boston (122 Mass. 583) 1634
- Dwyer n. Brenham (65 Tex. 526) 440, 450
- v. Hackworth (57 Tex. 245) 660
- v. New York (77 N. Y. App. Div. 224; 79 N. Y. Supp. 17) 1226, 1230, 1231
- v. Parker (115 Cal. 544; 47 Pac. 372) 324
- v. Salt Lake City (19 Utah, 521; 57 Pac. 535) 3002
- Dyar v. Farmington (70 Me. 515) 2555
- Dyckman v. New York (5 N. Y. 434) 1636, 1646, 1648, 2399
- Dyer v. Baltimore (140 Fed. Rep. 880) 478, 507, 509
- v. Brogan (70 Cal. 136; 11 Pac. 589) 883
- v. Chase (52 Cal. 440) 1813
- v. Covington Tp. (19 Pa. 200) 1293, 1318
- v. Erwin (106 Ga. 845; 33 S. E. 63) 1213
- v. Miller (58 Cal. 585) 2595
- v. Newport (123 Ky. 203; 94 S. W. 25) 2113, 2121, 2122, 2127, 2130, 2763
- v. Parrott (60 Cal. 551) 2629
- v. St. Paul (27 Minn 457; 8 N. W. 272) 2928, 2932
- v. Wightman (66 Pa. St. 425) 1676
- v. Woods (166 Ind. 44; 76 N. E. 624) 1820
- Dygert v. Schenck (23 Wend. [N. Y.] 446; 35 Am. Dec. 575) 1833, 3029
- Dyker Meadow Land Co. v. Cook (3 N. Y. App Div. 164; 38 N. Y. Supp. 222, aff'd 159 N. Y. 6; 53 N. E. 690) 2319
- Eachus v. Los Angeles (130 Cal. 492; 62 Pac. 829; 80 Am. St. Rep. 147) 2944
- v. Los Angeles Consol. Elect. Ry. Co. (103 Cal. 614; 37 Pac. 750; 42 Am. St. Rep. 149) 2934
- Eads v. Carondelet (42 Mo. 113) 1221
- Eager, *In re* (46 N. Y. 100) 1197, 1205, 1812, 2452
- Eagle v. Charing Cross R. Co. (L. R. 2 C. P. C. 638) 1611
- v. Kohn (84 Ill. 292) 1517, 1536
- Eagle Mfg. Co. v. Davenport (101 Iowa, 493; 70 N. W. 707) 2485, 2486
- Eakin v. Brown (1 E. D. Smith [N. Y.] 44) 3030
- Eames v. New Engl. Worsted Co. (11 Met. [Mass.] 570) 1684
- v. Savage (77 Me. 212; 52 Am. Rep. 751) 2674, 2855
- Earl v. Bowen (146 Cal. 754; 81 Pac. 133) 1172, 1173
- v. Cedar Rapids (126 Iowa, 361; 102 N. W. 140) 2984
- v. Morrilton (70 Ark. 211; 67 S. W. 312) 2597, 2637
- Earle v. New Brunswick (38 N. J. L. 47) 1703
- v. San Francisco Board of Education (55 Cal. 489) 329, 330
- Earles v. Wells (94 Wis. 285; 68 N. W. 964; 59 Am. St. Rep. 886) 342, 350, 355, 367, 375, 397
- Earle's Case (Carth. 173) 797, 798
- Earley's Appeal (103 Pa. St. 273) 1180
- Earll v. Chicago (136 Ill. 277; 26 N. E. 370) 1690, 1716, 1719, 1741
- Earlsville v. Radley (141 Ill. App. 359) 2667
- Easson v. Seattle (32 Wash. 405; 73 Pac. 496) 693, 787, 791
- East & West India Docks Co. v. Gattke (3 MacN. & G. 155) 1611
- East Anglian Railways Co. v. Eastern Counties R. Co. (11 C. B. 775; 21 L. J. n. s. C. P. 23; 16 Jur. 249) 2811
- East Dubuque v. Burhyte (74 Ill. App. 99) 3000, 3021
- East End St. R. Co. v. Doyle (88 Tenn. 747; 13 S. W. 936; 9 L. R. A. 100) 2011, 2014
- Easterbrook v. San Francisco ([Cal.], 44 Pac. 800) 1390, 2828
- Easterly v. Irwin (99 Iowa, 694; 68 N. W. 919) 2462
- Eastern Wisconsin R. & L. Co. v. Hackett (135 Wis. 464; 115 N. W. 376) 1985, 2062
- East Fremantle v. Annois (71 Law J., P. C. 39) 2880
- East Grand Forks v. Luck (97 Minn. 373; 107 N. W. 393; 6 L. R. A. n. s. 198) 2219
- Easthampton v. Hampshire (154 Mass. 424; 28 N. E. 298; 13 L. R. A. 157) 1613, 1614, 1618



## TABLE OF CASES CITED

125

[References are to pages]

- East Hartford v. Hartford Bridge Co.* (10 How. [U. S.] 511, aff'g s. c. 16 Conn. 149) 147, 185, 517, 519
- *v. Hartford Bridge Co.* (17 Conn. 80) 621
- East Jordan Lumber Co. v. East Jordan* (100 Mich. 201; 58 N. W. 1012) 2131
- East Kingston v. Towle* (48 N. H. 57) 567
- East Lincoln v. Davenport* (94 U. S. 801) 1420, 1516
- East Lincolnshire R. Act, In re* (1 Sim. n. s. 260) 1658
- Eastman v. Clackamas County* (32 Fed. Rep. 24) 2951, 2953, 2957
- *v. Hampstead* (66 N. H. 195; 20 Atl. 975) 2861
- *v. Meredith* (36 N. H. 284; 72 Am. Dec. 302) 74, 80, 515, 516, 2855, 2856, 2857, 2859, 2899, 2902, 2914, 2957, 3054
- *v. New York* (152 N. Y. 468; 46 N. E. 841, aff'g 13 N. Y. Misc. 774; 34 N. Y. Supp. 1138) 480
- *v. State* (109 Ind. 278; 10 N. E. 97; 58 Am. Rep. 400) 1148
- East Moline v. Pope* (224 Ill. 386; 79 N. E. 587) 342, 351, 370, 372, 374, 375
- East Newark v. New York & N. J. Water Supply Co.* (67 N. J. Eq. 265; 57 Atl. 1051, aff'd 68 N. J. Eq. 783; 64 Atl. 1132) 2121, 2127, 2292, 2293
- East Nissouri v. Horseman* (9 Up. Can. C. P. 191) 2758
- *v. Horseman* (16 Up. Can. Q. B. 588) 762, 2758
- Easton, Ex parte* (95 U. S. 68) 504
- *v. Callender* (11 Wend. [N. Y.] 90) 774
- *v. Covey* (74 Md. 262; 22 Atl. 266) 936, 939
- *v. Neff* (102 Pa. St. 474; 48 Am. Rep. 213) 2998
- *v. Philadelphia* (26 Pa. Super. Ct. 517) 3000
- Easton Bor. v. Rinek* (116 Pa. St. 1; 9 Atl. 63) 1717
- East 175th St., Matter of* (49 N. Y. App. Div. 114; 63 N. Y. Supp. 468; aff'd 162 N. Y. 661; 57 N. E. 117) 1660
- East 187th Street, Matter of* (78 N. Y. App. Div. 355; 79 N. Y. Supp. 1031) 1806, 2923
- Easton Road* (3 Rawle [Pa.] 195) 1799
- Easton's Case* (12 A. & E. 645) 1129
- East Orange v. Richardson* (71 N. J. L. 458; 59 Atl. 987) 908
- *v. Suburban Elect. L. & P. Co.* (59 N. J. Eq. 563; 44 Atl. 628) 1973
- East Portland v. Multnomah County* (6 Oreg. 62) 104, 333, 1768, 1770, 1799
- East River Br. & C. I. S. Transit Co., In re* (26 Hun [N. Y.] 490) 2033
- East River Bridge Co., Matter of* (75 Hun [N. Y.] 119; 27 N. Y. Supp. 145) 257
- East River Gaslight Co. v. Donnelly* (93 N. Y. 557) 768, 771, 1224
- East Rome v. Lloyd* (124 Ga. 852; 53 S. E. 103) 2931
- East St. Louis v. Albrecht* (150 Ill. 506; 37 N. E. 934) 897, 2637
- *v. Amy* (120 U. S. 600) 343, 419, 420, 422, 446, 2403, 2681, 2706
- *v. Davis* (233 Ill. 553; 84 N. E. 674) 2614
- *v. Donahue* (77 Ill. App. 574) 3001
- *v. East St. Louis Gas. L. & C. Co.* (98 Ill. 415; 38 Am. Rep. 97) 361, 1180, 1184, 2167, 2293, 2294, 2299, 2811
- *v. Flannigan* (26 Ill. App. 449) 354
- *v. Flannigan* (69 Ill. App. 167) 1311
- *v. Freels* (17 Ill. App. 339) 354
- *v. Giblin* (3 Ill. App. 219) 3026
- *v. Illinois Cent. R. Co.* (238 Ill. 296; 87 N. E. 407) 2534, 2550, 2551
- *v. Klug* (3 Ill. App. 90) 3026
- *v. Maxwell* (99 Ill. 439) 446
- *v. Murphy* (89 Ill. App. 22) 3022
- *v. O'Flynn* (119 Ill. 200; 10 N. E. 395; 59 Am. Rep. 795) 1674, 1839, 1842, 1843, 1844
- *v. People* (124 Ill. 655; 17 N. E. 447) 342, 343, 344, 420
- *v. St. John* (47 Ill. 463) 1644, 1645
- *v. School Trustees* (102 Ill. 489; 40 Am. Rep. 606) 995
- *v. Thomas* (11 Ill. App. 283) 460
- *v. Underwood* (105 Ill. 308) 2456
- *v. United States* (110 U. S. 321) 2681
- *v. Wehrung* (46 Ill. 392) 996, 1022, 2404
- *v. Wehrung* (50 Ill. 28) 461, 462
- *v. Wider* (46 Ill. 351) 2654
- *v. Zebley* (110 U. S. 321) 459, 2456
- East St. Louis G. L. Co. v. East St. Louis* (45 Ill. App. 591) 438

[References are to pages]

- East St. Louis R. Co. v. Louisville & N. R. Co.* (149 Fed. Rep. 159) 1982  
*East Street* (210 Pa. 539; 60 Atl. 154) 2560  
*East Tennessee Tel. Co. v. Anderson County Tel. Co.* (115 Ky. 488; 74 S. W. 218) 1942  
 — *v. Russellville* (106 Ky. 667; 51 S. W. 308) 984, 1915, 1921, 1929  
*East Tennessee Univ. v. Knoxville* (6 Baxt. [Tenn.] 166) 59  
*East Tennessee, V. & G. Ry. Co. v. Morristown* ([Tenn. Ch. App.], 35 S. W. 771) 440  
*East Union Tp. v. Ryan* (86 Pa. 459) 1291, 1293  
*Eaton v. Boston, C. & M. R. Co.* (51 N. H. 504; 12 Am. Rep. 147) 1607, 2931, 2935, 2938, 3042, 3043  
 — *v. Fairbury Water Works Co.* (37 Neb. 546; 56 N. W. 201; 21 L. R. A. 653; 40 Am. St. Rep. 510) 2304  
 — *v. Manitowoc County* (44 Wis. 489) 60, 328, 2485  
 — *v. Minnaugh* (43 Oreg. 465; 73 Pac. 754) 343, 353  
 — *v. State* (7 Blackf. [Ind.] 65) 2741, 2745  
 — *v. Weiser* (12 Idaho, 544; 86 Pac. 541; 118 Am. St. Rep. 225) 2135, 2911  
 — *v. Woburn* (127 Mass. 270) 2977  
*Eau Claire v. Eau Claire Water Co.* (137 Wis. 517; 119 N. W. 555) 2186, 2191  
 — *v. Matzke* (86 Wis. 291; 56 N. W. 874; 39 Am. St. Rep. 900) 1786  
*Eau Claire Water Co. v. Eau Claire* (132 Wis. 411; 112 N. W. 458) 2113, 2186, 2190  
*Eaves v. Shattuck* (35 N. H. 189) 76  
*Ebbetts v. New York* (111 N. Y. App. Div. 364; 97 N. Y. Supp. 833) 3047, 3053  
*Ebbw Vale, In re, Claim of* (8 Eq. C. 14; 5 Am. L. Rev. 283, note) 2811  
*Eble v. State* (77 Kan. 179; 93 Pac. 803) 1897  
*Ecclesiastical Commissioners v. Clerkenwell* (4 L. T. N. s. 599; s. c. 3 Deg. F. & J. 688) 1882  
*Eckerson v. Haverstraw* (6 N. Y. App. Div. 102; 39 N. Y. Supp. 635, aff'd 162 N. Y. 652; 57 N. E. 1009) 1730, 1743, 1745  
 — *v. New York* (80 N. Y. App. Div. 12; 80 N. Y. Supp. 168, aff'd 176 N. Y. 609; 68 N. E. 1115) 713, 714, 736, 738, 747, 806  
*Eckert v. Perth Amboy & W. R. Co.* (65 N. J. Eq. 777; 57 Atl. 438) 150  
*Ecorse v. Jackson, A. A. & D. R. Co.* (153 Mich. 393; 117 N. W. 89) 1964, 2007, 2013  
*Ecroyd v. Coggeshall* (21 R. I. 1; 41 Atl. 260; 79 Am. St. Rep. 741) 463, 1563  
*Eddy v. Ellicottville* (35 N. Y. App. Div. 256; 54 N. Y. Supp. 800) 182, 2886, 2896  
 — *v. Granger* (19 R. I. 105; 31 Atl. 831; 28 L. R. A. 517) 1869, 1892  
 — *v. Hinnant* (82 Tex. 354; 18 S. W. 562) 2028  
 — *v. Morgan* (216 Ill. 437; 75 N. E. 174) 756, 757, 759  
 — *v. People* (127 Ill. 428; 20 N. E. 83) 1480, 1536, 1543  
 — *v. People* (218 Ill. 611; 75 N. E. 1071, aff'g 120 Ill. App. 626) 755, 759  
 — *v. San Francisco* (148 Fed. Rep. 272) 1390, 1392  
*Eddy Valve Co. v. Crown Point* (166 Ind. 613; 76 N. E. 536; 3 L. R. A. n. s. 684) 346, 353, 375  
*Ede v. Cuneo* ([Cal.], 55 Pac. 388) 2638  
 — *v. Knight* (93 Cal. 159; 28 Pac. 860) 949, 2634  
*Eden v. People* (161 Ill. 296; 43 N. E. 1108; 32 L. R. A. 659) 1096  
*Edenton v. Capeheart* (71 N. Car. 156) 2476  
 — *v. Wool* (65 N. Car. 379) 1119  
*Eder v. Kreiter* (40 Ind. App. 542; 82 N. E. 552) 2785  
*Edey v. Shreveport* (26 La. An. 636) 1560  
*Edgar v. Dodge* (11 Mass. 670) 2792  
*Edge Moor Bridge Works v. Bristol County* (170 Mass. 528; 49 N. E. 918) 1169, 1221  
*Edgerly v. Concord* (59 N. H. 78) 2301, 2849, 2856, 2894  
*Edgerton v. Green Cove Springs* (19 Fla. 140) 1632, 1665, 2502, 2565  
 — *v. Huff* (26 Ind. 35) 1622, 1645  
 — *v. Huntington School Township* (126 Ind. 261; 26 N. E. 156) 2577  
 — *v. Municipality* (1 La. An. 435) 147, 468  
*Edinburgh Am. Mtge. Co. v. Mitchell* (1 S. Dak. 593; 48 N. W. 131) 1294  
*Edinburgh Coal Co. v. Humphreys* (134 Fed. Rep. 839) 2710  
*Edison Elect. L. & P. Co. v. Merchants' & M. Elect. L. H. & P. Co.* (200 Pa. 209; 49 Atl. 766; 86 Am. St. Rep. 712) 1986, 1987

[References are to pages]

Edison Elect. Ill. Co., Matter of (22 N. Y. App. Div. 371; 48 N. Y. Supp. 99)	2829	Edwards & W. Const. Co. v. Jasper County (117 Iowa, 365; 90 N. W. 1006; 94 Am. St. Rep. 301)	2445, 2578
Edmands v. Boston (108 Mass. 535)	1674	Edwards County v. Jennings (89 Tex. 618; 35 S. W. 1053)	2166
Edminson v. Abilene (7 Kan. App. 305; 54 Pac. 568)	1377, 1485	Edwards House Co. v. Jackson (91 Miss. 429; 45 So. 14)	2381, 2382, 2527
Edmonds v. Herbrandson (2 N. Dak. 270; 50 N. W. 970)	275, 278	Edwardsville v. Barnsback (66 Ill. App. 381)	1688, 1695, 1702
Edmondson v. Memphis (108 Tenn. 557; 69 S. W. 274; 58 L. R. A. 170)	237	Eels v. American T. & T. Co. (143 N. Y. 133; 38 N. E. 202; 25 L. R. A. 640, aff'g 65 Hun [N. Y.] 516; 20 N. Y. Supp. 600)	1928, 1929
Edmonson v. Galveston (53 Tex. 157)	2484	Effingham v. Surralls (77 Ill. App. 460)	3042, 3043, 3052
Edmunds v. Gookin (20 Ind. 477)	615, 618	Egan v. St. Paul (57 Minn. 1; 58 N. W. 267)	666
Edmundson v. Jackson Indep. School Dist. (98 Iowa, 639; 67 N. W. 671; 60 Am. St. Rep. 224)	380, 406, 407, 1496	Ege v. Koontz (8 Pa. 109)	2828, 2834
— v. Pittsburg, M. & Y. R. Co. (111 Pa. St. 316; 2 Atl. 404)	2883, 3027	Egerer v. New York Cent. & H. R. R. Co. (130 N. Y. 108; 29 N. E. 95; 14 L. R. A. 381)	1775, 1841, 1842, 1993, 2025, 2038, 2039
Edridge v. Rochester City & B. R. Co. (54 Hun [N. Y.] 194; 7 N. Y. Supp. 439)	2024	Eggington, <i>In re</i> (2 E. & B. 717)	1129
Edsall v. Howell (86 Hun [N. Y.] 424; 33 N. Y. Supp. 892)	1096	Egleston v. Charleston City Coun- cil (1 Mill Const. [S. Car.] 45)	1117
Edson v. Olathe (81 Kan. 328; 105 Pac. 521)	2840	Egremont v. Benjamin (125 Mass. 15)	763
Edwards v. Bates County (163 U. S. 269, rev'g 55 Fed. Rep. 436)	1396, 1397, 1398	Egyptian Levee Co. v. Hardin (27 Mo. 495; 72 Am. Dec. 276)	1665, 2386, 2493, 2503, 2565, 2573
— v. Bates County (117 Fed. Rep. 526)	1476, 1508, 1515	Egypt Street (2 Grant. [Pa.] Cas. 455)	445, 446
— v. Berlin (123 Cal. 544; 56 Pac. 432)	1220	Ehmen v. Gothenburg (50 Neb. 715; 70 N. W. 237)	1748
— v. Bruorton (184 Mass. 529; 69 N. E. 328)	2530	Ehret v. Camden & T. R. Co. (61 N. J. Eq. 171; 47 Atl. 562)	2007, 2029
— v. Chicago (140 Ill. 440; 30 N. E. 350)	2620	Ehrgott v. New York (96 N. Y. 264; 48 Am. Rep. 622)	2876, 2881, 2892, 2893, 2971, 2993, 2996, 2998, 3005
— v. Cooper (168 Ind. 54; 79 N. E. 1047)	2535	Ehrhardt v. Seattle (33 Wash. 664; 74 Pac. 827)	115
— v. Grand Junc. R. Co. (1 Myl. & Cr. 650)	890	Ehrlick v. Commonwealth (125 Ky. 742; 102 S. W. 289; 10 L. R. A. n. s. 995)	1110
— v. Milledgeville Water Co. (116 Ga. 201; 42 S. E. 417)	2211	— v. Jennings (78 S. Car. 269; 58 S. E. 922)	1546
— v. Moundsville Land Co. (56 W. Va. 43; 48 S. E. 754)	1720	Ehrsam v. Utica (37 N. Y. App. Div. 272; 55 N. Y. Supp. 942)	2921
— v. Ocala (58 Fla. 217; 50 So. 421)	2502, 2577	Eichels v. Evansville St. R. Co. (78 Ind. 261; 41 Am. Rep. 561)	447, 1970, 2002, 2004, 2085
— v. People (88 Ill. 340)	319, 585	Eichenlaub v. St. Joseph (113 Mo. 395; 21 S. W. 8; 18 L. R. A. 590)	1104, 1107
— v. Peoria (66 Ill. App. 68)	3045	Eichholtz v. Martin (53 Kan. 486; 36 Pac. 1064)	334
— v. Pittsburg Junc. R. Co. (215 Pa. 597; 64 Atl. 798)	1989, 1991	Eichman v. Buchheit (128 Wis. 385; 107 N. W. 325)	1088
— v. Pocahontas (47 Fed. Rep. 268)	2886		
— v. United States (103 U. S. 471)	723, 2703		
— v. Vesey (Cas. temp. Hardw. 128)	887		

[References are to pages]

- Eidemiller v. Tacoma* (14 Wash. 376; 44 Pac. 877) 400, 1302, 1303, 1304
- *v. Wyandotte City* (2 Dillon C. C. 376) 1657
- Eidman v. Martinez* (184 U. S. 578) 2410
- Eifert v. Central Covington* (91 Ky. 194; 15 S. W. 180) 2428
- Eight Hour Bill, In re* (21 Colo. 29; 39 Pac. 328) 205
- Eikenberry v. Bazaar Tp.* (22 Kan. 556; 31 Am. Rep. 198) 66, 2857
- Eilenbecker v. Plymouth County* (134 U. S. 31) 2351
- Eilert v. Oshkosh* (14 Wis. 637) 1252
- Eisenbach v. Hatfield* (2 Wash. 236; 26 Pac. 539; 12 L. R. A. 632) 494
- Eisendrath & Co. v. Chicago* (192 Ill. 320; 61 N. E. 419) 1716
- Eisenhuth v. Ackerson* (105 Cal. 87; 38 Pac. 530) 910
- Ela v. Smith* (5 Gray [Mass.] 121; 66 Am. Dec. 356) 669, 670
- Elberton v. Hobbs* (121 Ga. 750; 49 S. E. 780) 1648
- Elder v. Bemis* (2 Metc. [Mass.] 599) 775
- *v. Cassilly* ([Ky.], 54 S. W. 836) 2529
- *v. Fox* (18 Colo. App. 263; 71 Pac. 398) 1903
- *v. Dwight Mfg. Co.* (4 Gray [Mass.] 201) 1133
- Eldert v. Long Island Elect. R. Co.* (28 N. Y. App. Div. 451; 51 N. Y. Supp. 909, aff'd 165 N. Y. 651; 59 N. E. 1122) 1967
- Eldodt v. Territory* (10 N. Mex. 141; 61 Pac. 105) 2669
- Eldon Tp., In re* (6 Upper Ca. Law Jour. 207) 1240
- Eldora v. Burlingame* (62 Iowa, 32; 17 N. W. 148) 882
- El Dorado v. Ritchie Grocery Co.* (84 Ark. 52; 104 S. W. 549; 120 Am. St. Rep. 22) 1898
- El Dorado County v. Meiss* (100 Cal. 268; 34 Pac. 716) 2469, 2476
- Eldred v. Seaton* (5 Ohio, 215) 678
- Eldredge v. Norfolk County* (185 Mass. 186; 70 N. E. 36) 1614
- Eldridge v. Binghamton* (120 N. Y. 309; 24 N. E. 462) 1561
- *v. Cowell* (4 Cal. 80) 492
- *v. Smith* (34 Vt. 484) 1638
- Electric App. Co. v. United States Fidelity & Guar. Co.* (110 Wis. 434; 85 N. W. 648; 53 L. R. A. 609) 1264, 1265, 1266, 1271
- Electric Const. Co. v. Heffernan* (12 N. Y. Supp. 336) 1912
- Electric Light & Power Co. v. San Bernardino* (100 Cal. 348; 34 Pac. 819) 1198, 2132
- Electric Railway L. & P. Co. v. Adams* (79 Miss. 408; 30 So. 694) 1222
- Elevator Co. v. Stewart* (50 Kan. 378; 32 Pac. 33) 334
- Elfelt v. Stillwater St. R. Co.* (53 Minn. 68; 55 N. W. 116) 2007
- Elgin v. Beckwith* (119 Ill. 367; 10 N. E. 558) 1700, 1708, 1722
- *v. Eaton* (83 Ill. 535; 25 Am. Rep. 412) 2925, 2926, 2929, 2935, 2936, 2939, 2945
- *v. Joslyn* (136 Ill. 525; 26 N. E. 1090) 1228, 1232
- *v. Kimball* (90 Ill. 356) 3046
- *v. Thompson* (98 Ill. App. 358) 2977, 2998
- Elias v. Nightingale* (8 E. & B. 698) 1036
- *v. Rochester* (49 N. Y. App. Div. 597; 63 N. Y. Supp. 712) 3019
- Elizabeth, In re* (49 N. J. L. 488; 10 Atl. 363) 137, 2637
- *v. Fitzgerald* (114 Fed. Rep. 547) 1243
- *v. Force* (29 N. J. Eq. 587) 1545, 1547
- *v. Meeker* (45 N. J. L. 157) 2638
- Elizabethtown v. Brockville* (10 Ont. 372) 1566
- *v. Leffler* (23 Ill. 90) 979
- Elizabethtown & P. R. Co. v. Thompson* (79 Ky. 52) 2010, 2011
- Elizabethtown Gas Co. v. Green* (46 N. J. Eq. 118; 18 Atl. 844) 1992
- Elizabethtown L. & B. S. R. Co. v. Ashland & C. St. R. Co.* (96 Ky. 347; 26 S. W. 181) 2031
- *v. Combs* (10 Bush [Ky.] 382) 1796, 1993, 1995, 2000, 3005
- Elizabethtown Water Co v. Wade* (59 N. J. L. 78; 35 Atl. 4) 2312
- Elkhart v. Lipschitz* (164 Ind. 671; 74 N. E. 528) 1048
- *v. Murray* (165 Ind. 304; 75 N. E. 593; 112 Am. St. Rep. 228) 935
- *v. Wickwire* (87 Ind. 77) 3032
- Elkins v. Athearn* (2 Denio [N. Y.] 191) 2657
- Elkton v. Gill* (94 Ky. 138; 21 S. W. 579) 2428
- Elkton Land Co. v. Ayers* (62 Ala. 413) 2765
- Ellensburgh Water Supply Co. v. Ellensburgh* (13 Wash. 554; 43 Pac. 531) 2296
- Ellerman v. McMains* (30 La. An. 190; 31 Am. Rep. 218) 181, 185, 475, 476

## TABLE OF CASES CITED

129

[References are to pages]

- Ellinwood *v.* Reedsburgh (91 Wis. 131; 64 N. W. 885) 563, 1348, 2113  
 Elliot *v.* Atlantic City (149 Fed. Rep. 849) 1730  
 — *v.* Concord (27 N. H. 204) 3034, 3035  
 — *v.* Minneapolis (59 Minn. 111; 60 N. W. 1081) 1222  
 Elliott *v.* Detroit (121 Mich. 611; 84 N. W. 820) 2648, 2709  
 — *v.* Fair Haven & W. R. Co. (32 Conn. 579) 2002  
 — *v.* Gammon (76 Ga. 766) 430  
 — *v.* Louisville (101 Ky. 262; 40 S. W. 690) 2469, 2473  
 — *v.* Pardee (149 Cal. 516; 86 Pac. 1087) 590  
 — *v.* Philadelphia (75 Pa. St. 347) 2884, 2885, 2894  
 — *v.* Pittsburgh (6 Pa. Dist. Rep. 455) 1216  
 — *v.* Swartwout (10 Pet. [U. S.] 137) 774, 776, 2828, 2829, 2836  
 — *v.* Toeppner (187 U. S. 327) 2258  
 — *v.* Williamson (11 Lea [Tenn.] 38) 1901, 2480  
 Elliott County *v.* Kitchen (14 Bush [Ky.] 289) 2687  
 Ellis *v.* Bridgnorth (4 L. T. N. s. 112) 1074  
 — *v.* Cleburne ([Tex. Civ. App.], 35 S. W. 495) 1192  
 — *v.* Duncan (21 Barb. [N. Y.] 230) 2307  
 — *v.* Frazier (38 Oreg. 462; 63 Pac. 642; 53 L. R. A. 454) 331, 333  
 — *v.* Grand Rapids (123 Mich. 567; 82 N. W. 244) 635  
 — *v.* Iowa City (29 Iowa, 229) 2927, 2993, 3041  
 — *v.* Kearney (80 Neb. 51; 113 N. W. 803) 2819  
 — *v.* North Carolina Institution, etc. (68 N. Car. 423) 844  
 — *v.* Seattle (47 Wash. 578; 92 Pac. 431) 2820  
 — *v.* Sheffield Gas. Co. (23 L. J. Q. B. 42) 1915  
 — *v.* State (4 Ind. 1) 78  
 — *v.* Washoe County (7 Nev. 291) 1243, 1245  
 — *v.* Witmer (134 Cal. 249; 66 Pac. 301) 1219  
 Ellison *v.* Allen (30 N. Y. Supp. 441) 1826, 1847, 1849, 1912  
 — *v.* Linford (7 Utah, 166; 25 Pac. 744) 2425  
 — *v.* Raleigh (89 N. Car. 125) 781, 2668  
 Ellsworth *v.* Grand Rapids (27 Mich. 250) 1561, 1712, 1744  
 — *v.* Lord (40 Minn. 337; 42 N. W. 389) 1699, 1713, 1733  
 Ellwood *v.* Rochester (122 N. Y. 229; 25 N. E. 238) 2447  
 Ellyson, *In re* (20 Gratt. [Va.] 10) 652, 2800  
 Elma *v.* Carney (9 Wash. 466; 37 Pac. 707) 2629  
 Elmendorf *v.* Albany (17 Hun [N. Y.] 81) 1800, 2499  
 — *v.* Ewen (2 N. Y. Leg. Obs. 85) 590, 669  
 — *v.* New York (25 Wend. [N. Y.] 693) 590, 613, 628, 717, 872, 2799  
 Elmira Highway Com'rs *v.* Osceola Highway Comr's (74 Ill. App. 185) 2661  
 Elmore *v.* Drainage Comr's (135 Ill. 269; 25 N. E. 1010; 25 Am. St. Rep. 363) 63, 2545, 2553  
 Elmore Co. *v.* Long (52 Ala. 277) 2676  
 Elmore, etc. Counties *v.* Alturas County (4 Idaho, 145; 37 Pac. 349) 1902  
 Elmwood Township *v.* Marcy (92 U. S. 289) 1405, 1425, 1525  
 El Paso *v.* Colorado Springs Co. (15 Colo. App. 274; 62 Pac. 336) 2831  
 — *v.* Dolan ([Tex. Civ. App.], 25 S. W. 669) 2960  
 — *v.* Hoagland (224 Ill. 263; 79 N. E. 658) 1893, 1896  
 — *v.* Mundy (85 Tex. 316; 20 S. W. 140) 2398, 2486  
 — *v.* Ruckman (92 Tex. 86; 46 S. W. 25) 121  
 El Paso Gas, Elect. Lt. & P. Co. *v.* El Paso (22 Tex. Civ. App. 309; 54 S. W. 798) 894, 2296  
 El Paso Water Co. *v.* El Paso (152 U. S. 157) 2772  
 El Reno *v.* Cleveland Trinidad Pav. Co. ([Okla.], 107 Pac. 163; 27 L. R. A. N. s. 650) 2764, 2783  
 — *v.* El Reno Water Co. (14 Okla. 53; 75 Pac. 126) 2182  
 Elrod *v.* Bernadotte (53 Ill. 368) 1586, 1588, 2678  
 Elser *v.* Gross Point (223 Ill. 230; 79 N. E. 27; 114 Am. St. Rep. 326) 1663  
 Elster *v.* Springfield (49 Ohio St. 82; 30 N. E. 274) 1869, 1892  
 Elston *v.* Chicago (40 Ill. 514; 89 Am. Dec. 361) 2829, 2831  
 — *v.* Crawfordsville (20 Ind. 272) 615, 618, 620  
 Elting *v.* Hickman (172 Mo. 237; 72 S. W. 700) 271, 298, 2387  
 Elwell *v.* Greenwood (26 Iowa, 377) 1790  
 — *v.* Prop. Birmingham Canal Nav. (3 H. L. Cas. 812) 1890



[References are to pages]

- Elwood *v.* Addison (26 Ind. App. 28; 59 N. E. 47) 2963  
 — *v.* Bullock (6 Q. B. 383) 987, 1011  
 Ely *v.* Grand Rapids (84 Mich. 336; 47 N. W. 447) 1199, 1226  
 — *v.* Morgan County (112 Ind. 361; 14 N. E. 236) 2596  
 — *v.* Niagara County (36 N. Y. 297) 1041, 2850  
 — *v.* Parsons (55 Conn. 83; 10 Atl. 499) 1711  
 — *v.* Rochester (26 Barb. [N. Y.] 133) 552  
 — *v.* St. Louis (181 Mo. 723; 81 S. W. 168) 182, 2991, 3054  
 Elyria *v.* Lake Shore & M. S. R. Co. (23 Ohio C. Ct. 482) 1787  
 Elyria Gas, etc. Co. *v.* Elyria (57 Ohio St. 374; 49 N. E. 335) 1377, 1382, 1399, 2784, 2785  
 Elyton Land Co. *v.* Birmingham (89 Ala. 477; 7 So. 901) 2397  
 Embry *v.* Palmer (107 U. S. 3) 1497  
 Embury *v.* Conner (3 N. Y. 511; 53 Am. Dec. 325, rev'g 2 Sandf. [N. Y.] 98) 1619, 1623, 1644, 1648  
 Emerson *v.* Babcock (66 Iowa, 257; 23 N. W. 656) 1848, 1868  
 — *v.* Blairsville (2 Pittsb. Pa. Rep. 39) 546  
 — *v.* Forest City R. Co. (28 Ohio Cir. Ct. 683) 1969  
 — *v.* Lexington (69 Mo. 157) 2918  
 — *v.* Milton Academy (185 Mass. 414; 70 N. E. 442) 2446  
 — *v.* Newberry (13 Pick. [Mass.] 377) 1190  
 — *v.* Saltmarsh (7 A. & E. 266) 2495  
 — *v.* Taylor (9 Me. 42; 23 Am. Dec. 531) 503  
 Emerson Troy Granite Co. *v.* Pearson (74 N. H. 22; 64 Atl. 582) 1086  
 Emert *v.* Missouri (156 U. S. 296, aff'g 103 Mo. 241; 15 S. W. 81) 2323, 2324  
 Emery *v.* Boston Terminal Co. (178 Mass. 172; 59 N. E. 763; 86 Am. St. Rep. 473) 2489  
 — *v.* Bradford (29 Cal. 75) 2628, 2629  
 — *v.* Lowell (104 Mass. 13) 2916, 2917, 3052, 3053, 3057  
 — *v.* Lowell (127 Mass. 138) 2827, 2832  
 — *v.* Mariaville (56 Me. 315) 1292, 1295  
 — *v.* Philadelphia (208 Pa. 492; 57 Atl. 977) 2135, 2910, 2911, 2960, 2973  
 — *v.* San Francisco Gas Co. (28 Cal. 345) 1665, 2399, 2502, 2574, 2627  
 Emery *v.* Washington (1 Brayton [Vt.] 128) 1731  
 — *v.* Waterville (90 Me. 485; 38 Atl. 534) 2997, 3019  
 Emery County *v.* Burreson (14 Utah, 328; 47 Pac. 91; 37 L. R. A. 732; 60 Am. St. Rep. 898) 1587  
 Emes *v.* Fowler (43 N. Y. Misc. 603; 89 N. Y. Supp. 685) 742, 743  
 Emigrant Co. *v.* Wright Co. (97 U. S. 339) 1141  
 Emigrant Ind. Sav. Bank, Matter of (75 N. Y. 388) 461  
 Eminence *v.* Grasser's Exrs. (81 Ky. 52) 1420  
 Emmerton *v.* Mathews (7 H. & N. 586) 1081  
 Emmons *v.* Lewiston (132 Ill. 380; 24 N. E. 58; 8 L. R. A. 328; 22 Am. St. Rep. 540) 2326  
 — *v.* Milwaukee (32 Wis. 434) 1709  
 Emory *v.* Laurel (3 Pennewill [Del.] 67) 1588  
 Empire Tp. *v.* Darlington (101 U. S. 87) 1402, 1515  
 Emporia *v.* Bates (16 Kan. 495) 2637, 2641  
 — *v.* Becker (76 Kan. 181; 90 Pac. 798; 12 L. R. A. n. s. 946) 965  
 — *v.* Gilchrist (37 Kan. 532; 15 Pac. 532) 2610  
 — *v.* Norton (13 Kan. 569) 232, 2636, 2637, 2641  
 — *v.* Norton (16 Kan. 236) 948  
 — *v.* Randolph (56 Kan. 117; 42 Pac. 376) 108, 615  
 — *v.* Schmidling (33 Kan. 485; 6 Pac. 893) 2998, 3003  
 — *v.* Shaw (6 Kan. App. 808; 51 Pac. 237) 1856  
 — *v.* Smith (42 Kan. 433; 22 Pac. 616) 615  
 — *v.* Soden (25 Kan. 588; 37 Am. Rep. 265) 1634, 2753  
 — *v.* Volmer (12 Kan. 622) 979, 980, 981, 997, 1013, 1016, 1128, 1133  
 Enders *v.* Friday (78 Neb. 510; 111 N. W. 140) 1843  
 Endicott *v.* Triple-State N. G. & Oil Co. ([Ky.], 76 S. W. 516) 3034  
 Enfield *v.* Jordan (119 U. S. 680) 60, 531, 575, 1378, 1379, 1402  
 Enfield Toll. Br. Co. *v.* Hartford & N. H. R. Co. (17 Conn. 40; 42 Am. Dec. 716) 1604  
 Engelman *v.* Skrainka (14 Mo. App. 438) 1166  
 England *v.* Davidson (11 A. & E. 856) 552  
 English *v.* Arizona (214 U. S. 359) 2537, 2538, 2605  
 — *v.* Chicot County (26 Ark. 454) 581, 582



## TABLE OF CASES CITED

131

[References are to pages]

- English v. Danville* (150 Ill. 92; 36 N. E. 994) 1820  
 — *v. Oliver* (28 Ark. 317) 1310  
 — *v. People* (91 Ill. 566) 2312, 2314, 2398  
 — *v. Wilmington* (2 Marv. [Del.] 63; 37 Atl. 158) 2362, 2617  
*Ennis v. Gilder* (32 Tex. Civ. App. 351; 74 S. W. 585) 2912  
*Enos v. Springfield* (113 Ill. 65) 2545, 2549, 2550  
*Ensminger v. People* (47 Ill. 384; 95 Am. Dec. 495) 493  
*Enston, Matter of* (113 N. Y. 174; 21 N. E. 87; 3 L. R. A. 464) 2412  
*Enyart v. Hanover Tp.* (25 Ohio St. 618) 660  
*Ephrata Water Co. v. Ephrata* (20 Pa. Super. Ct. 149) 2298  
*Episcopal, &c. Society v. Dedham Episcopal Church* (1 Pick. [Mass.] 372) 608, 1191  
*Episcopo v. New York* (35 N. Y. Misc. 623; 72 N. Y. Supp. 140) 1282  
*Epler v. Nimau* (5 Ind. 459) 1715  
*Epping v. Columbus* (117 Ga. 263; 43 S. E. 803) 364, 397, 421, 422, 425, 427, 430, 1380, 1385, 1386, 1496  
*Equitable Loan Co. v. Edwardsville* (143 Ala. 182; 38 So. 1016) 1585, 1587  
*Equitable Trust Co. v. O'Brien* (55 Neb. 735; 76 N. W. 417) 2455, 2489, 2530, 2609  
*Erd v. St. Paul* (22 Minn. 443) 3021  
*Erford v. Peoria* (229 Ill. 546; 82 N. E. 374) 2815, 2818  
*Erickson v. Cass County* (11 N. Dak. 494; 92 N. W. 841) 2365, 2604, 2622  
 — *v. Crookston Waterworks, P. & L. Co.* (100 Minn. 481; 111 N. W. 391; s. c. 105 Minn. 182; 117 N. W. 435) 2308  
*Erie, Appeal of* (91 Pa. St. (398) 342, 353, 356, 364  
 — *v. Calkins* (85 Pa. St. 247; 27 Am. Rep. 642) 3023, 3025, 3027  
 — *v. Canal Company* (59 Pa. St. 174) 144, 216  
 — *v. Erie Gas & Min. Co.* (78 Kan. 348; 97 Pac. 468) 2145  
 — *v. Erie Traction Co.* (222 Pa. 43; 70 Atl. 904) 1944  
 — *v. Griswold* (184 Pa. 435; 39 Atl. 231) 2503  
 — *v. Knapp* (29 Pa. St. 173) 470  
 — *v. Land on 18th St.* (176 Pa. 478; 35 Atl. 136) 1178  
 — *v. Magill* (101 Pa. St. 616; 47 Am. Rep. 739) 3003  
 — *v. Piece of Land* (175 Pa. 523; 34 Atl. 808) 2590  
*Erie v. Reed's Ex.* (113 Pa. St. 468; 6 Atl. 679) 2316, 2397, 2426, 2636, 2755  
 — *v. Russell* (148 Pa. 384; 23 Atl. 1102) 2557, 2558, 2614, 2616  
 — *v. Schwingle* (22 Pa. St. 384; 60 Am. Dec. 87) 2901, 2904, 2993, 3004  
*Erie Academy v. Erie* (31 Pa. St. 515) 444, 445, 920, 949  
*Erie City v. Butler* (120 Pa. St. 374; 14 Atl. 153) 1249, 2627  
 — *v. Grant* (24 Pa. Super. Ct. 109) 1261  
 — *v. Willis* (26 Pa. Super. Ct. 459) 2607  
*Erie County v. Erie Water Com'rs* (113 Pa. 368; 6 Atl. 138) 2432, 2434  
*Erie R. Co. v. Paterson* (72 N. J. L. 83; 59 Atl. 1031) 2590  
 — *v. Pennsylvania* (15 Wall. [U. S.] 282) 2338  
 — *v. Youngstown* (26 Ohio Cir. Ct. 679) 1646, 1648  
*Erie School Dist. v. Fuess* (98 Pa. 600) 67, 2889  
*Ernst v. Kunkle* (5 Ohio St. 520) 1277, 2538, 2935  
 — *v. Morgan* (39 N. J. Eq. 391) 277  
 — *v. West Covington* (116 Ky. 850; 76 S. W. 1089; 63 L. R. A. 652; 105 Am. St. Rep. 241) 2888  
*Erskine v. Steele County* (87 Fed. Rep. 630, aff'd 98 Fed. Rep. 215) 221, 1526  
 — *v. Steele County* (4 N. Dak. 339; 60 N. W. 1050; 28 L. R. A. 645) 1287, 1296  
 — *v. Van Arsdale* (15 Wall. [U. S.] 75) 2836  
*Ertle v. Leary* (114 Cal. 238; 46 Pac. 1) 1212, 1213  
*Erving v. New York* (131 N. Y. 133; 29 N. E. 1101) 1221  
*Erwin v. Central Union Tel. Co.* (148 Ind. 365; 47 N. E. 663) 1931  
 — *v. Jersey City* (60 N. J. Law, 141; 37 Atl. 732; 64 Am. St. Rep. 584) 744  
*Esberg Cigar Co. v. Portland* (34 Oreg. 282; 55 Pac. 961; 43 L. R. A. 435; 75 Am. St. Rep. 651) 2134, 2136, 2912  
*Eschbach v. Pitts* (6 Md. 71) 2482, 2487  
*Escondido High School Dist. v. Escondido Seminary* (130 Cal. 128; 62 Pac. 401) 257, 260, 278  
*Eshleman v. Martie Tp.* (152 Pa. 68; 25 Atl. 178) 3038  
*Eskildsen v. Seattle* (29 Wash. 583; 70 Pac. 64) 2969  
*Eskridge v. Emporia* (63 Kan. 368; 65 Pac. 694) 615, 621

[References are to pages]

- Essen v. Cape May* (77 N. J. L. 361; 72 Atl. 49) 2537, 2618  
*Essex v. Spaulding* (17 Nev. 289; 30 Pac. 896) 1302  
*Essex v. Barber* (18 N. J. L. 64) 996, 997, 1004  
—— *v. Day* (52 Conn. 483) 1353  
—— *v. Park* (11 Up. Can. C. P. 473) 684  
—— *v. Strong* (8 Up. Can. L. J. 15) 684  
*Essex County v. Barber* (6 N. J. L. 64) 2462  
—— *v. Salem* (153 Mass. 141; 26 N. E. 431) 2434  
*Essex County Park Com'n v. West Orange* (77 N. J. L. 575; 73 Atl. 511, rev'g 75 N. J. L. 376) 2433  
*Essex Public Road Bd. v. Skinkle* (140 U. S. 334) 188  
—— *v. Skinkle* (49 N. J. Law, 641; 10 Atl. 379) 197  
*Essexville v. Emery* (90 Mich. 183; 51 N. W. 204) 1898  
*Estelle v. Lake Crystal* (27 Minn. 243; 6 N. W. 775) 2976, 3001  
*Estep v. Keokuk County* (18 Iowa, 199) 1180  
*Estes v. Owen* (90 Mo. 113; 2 S. W. 133) 1820, 2581, 2583  
—— *v. School Dist.* (33 Maine, 170) 75  
*Estey v. Starr* (56 Vt. 690) 872  
—— *v. Westminster* (97 Mass. 324) 1195  
*Estill County v. Embry* (144 Fed. Rep. 913) 1487  
*Estwick v. London* (Sty. 43) 2714  
*Etherington v. Wilson* (L. R. 1 Ch. Div. 160) 636  
*Ethridge v. Hill* (7 Port. [Ala.] 47) 2745  
*Etzler v. Brown* ([Fla.], 50 So. 416) 2671  
*Eudora v. Darling* (54 Kan. 654; 39 Pac. 184) 1835  
—— *v. Miller* (30 Kan. 494; 2 Pac. 685) 2951  
*Eufaula v. McNab* (67 Ala. 588; 42 Am. Rep. 118) 449, 1179, 1364, 1580  
*Eureka v. Croghan* (81 Cal. 524; 22 Pac. 693) 1724, 1744  
—— *v. Davis* (21 Kan. 578) 1015  
—— *v. Gates* (137 Cal. 89; 69 Pac. 850) 1730, 1740  
—— *v. Jackson* (8 Kan. App. 49; 54 Pac. 5) 986  
—— *v. McKay* (123 Cal. 666; 56 Pac. 439) 1705, 1903  
*Eureka Basin, W. & M. Co., Matter of* (96 N. Y. 42) 507, 2313  
*Eureka City v. Wilson* (15 Utah, 53; 48 Pac. 41) 1090, 1104  
*Eureka City v. Wilson* (15 Utah, 67; 48 Pac. 150; 62 Am. St. Rep. 904) 987, 1104, 1106  
*Eureka Light & I. Co. v. Eureka* (5 Kan. App. 669; 48 Pac. 935) 1962  
*Eustace v. Johns* (38 Cal. 3) 2969, 2986  
*Eustis v. Milton St. R. Co.* (183 Mass. 586; 67 N. E. 663) 2006, 2009  
*Evan v. Avon* (29 Beav. 44) 2757  
*Evans v. Blankenship* (4 Ariz. 307; 39 Pac. 812) 1695, 1723, 1737, 1744  
—— *v. Bradley* (4 S. Dak. 83; 55 N. W. 721) 1292  
—— *v. Chicago, St. P. M. & O. R. Co.* (86 Wis. 597; 57 N. W. 354; 39 Am. St. Rep. 908) 1788, 1791, 1982, 1983  
—— *v. Denver* (26 Colo. 193; 57 Pac. 696) 2641, 2642  
—— *v. Eaton* (7 Wheat. [U. S.] 356) 1146  
—— *v. Erie County* (66 Pa. St. 222) 1888  
—— *v. Evansville* (23 Ind. 229) 1708, 1717  
—— *v. Hudson* (53 N. J. Law, 585; 22 Atl. 56) 713, 806  
—— *v. Huntington* (37 W. Va. 601; 16 S. E. 801) 3016  
—— *v. Iowa City* (125 Iowa, 202; 100 N. W. 1112) 3003, 3015  
—— *v. Job* (8 Nev. 322) 334  
—— *v. Kankakee* (231 Ill. 223; 83 N. E. 223; 13 L. R. A. n. s. 1190; s. c. 132 Ill. App. 488) 2896  
—— *v. Lewis* (121 Ill. 478; 13 N. E. 246) 2736  
—— *v. McFarland* (186 Mo. 703; 85 S. W. 873) 419, 720, 1542  
—— *v. Philadelphia* (205 Pa. 193; 54 Atl. 775; 97 Am. St. Rep. 732) 2967, 3000  
—— *v. Philadelphia Club* (50 Pa. St. 107) 780, 783, 796, 797  
—— *v. Phillipi* (117 Pa. 226; 11 Atl. 630; 2 Am. St. Rep. 655) 292, 320  
—— *v. Savannah & W. R. Co* (90 Ala. 54; 7 So. 758) 1719  
—— *v. Sharp* (29 Wis. 564) 2593  
—— *v. Street Commissioners* (84 Hun [N. Y.] 206; 32 N. Y. Supp. 547) 1097  
—— *v. Trenton* (24 N. J. L. 764) 674, 739, 740  
—— *v. United States* (19 App. D. C. 207) 2651  
—— *v. Utica* (69 N. Y. 166; 25 Am. Rep. 165) 2967, 2968, 2970, 3000  
—— *v. Welch* (29 Colo. 355; 68 Pac. 776) 1709

[References are to pages]

- Evanston v. Carroll** (92 Ill. App. 495) 649  
 — *v. O'Leary* (70 Ill. App. 124) 860, 1653  
**Evansville v. Decker** (84 Ind. 325; 43 Am. Rep. 86) 3049, 3052  
 — *v. Dennett* (161 U. S. 434) 1344, 1419, 1435, 1456, 1461, 1463, 1471, 1472, 1484, 1485, 1486  
 — *v. Evans* (37 Ind. 229) 1695  
 — *v. Frazer* (24 Ind. App. 628; 56 N. E. 729) 440, 2960, 3014  
 — *v. Hall* (14 Ind. 27) 2423  
 — *v. Martin* (41 Ind. 145) 1040  
 — *v. Miller* (146 Ind. 613; 45 N. E. 1054; 38 L. R. A. 161) 1035, 1047  
 — *v. Paige* (23 Ind. 525) 615, 1713  
 — *v. Pfisterer* (34 Ind. 36; 7 Am. Rep. 214) 2603, 2790  
 — *v. State* (118 Ind. 426; 21 N. E. 267; 4 L. R. A. 93) 164, 175, 334, 638  
 — *v. Wilter* (86 Ind. 414) 3015  
 — *v. Woodbury* (18 U. S. App. 514; 60 Fed. Rep. 718) 524, 545, 1344  
**Evansville & C. R. Co. v. Miller** (30 Ind. 209) 1670  
**Evansville & T. H. R. Co. v. Carver** (113 Ind. 51; 14 N. E. 738) 2077  
 — *v. Ft. Branch* (149 Ind. 276; 49 N. E. 2) 1705, 1745  
 — *v. Terre Haute* (161 Ind. 26; 67 N. E. 686) 310  
**Evansville, I. & C. S. L. R. R. Co. v. Evansville** (15 Ind. 395) 457, 525, 545, 581, 1342, 1344, 1428, 1437, 1535  
**Everett v. Council Bluffs** (46 Iowa, 66) 1035, 1038, 1097, 1848  
 — *v. Deal* (148 Ind. 90; 47 N. E.) 219) 874, 881  
 — *v. Grapes* (3 Law T. R. N. s. Q. B. 669) 1036, 1039  
 — *v. Marquette* (53 Mich. 450; 19 N. W. 140) 1038, 1873  
 — *v. Marston* (186 Mo. 587; 85 S. W. 540) 2486  
 — *v. Smith* (22 Minn. 53) 657, 660  
**Everett Water Co. v. Powers** (37 Wash. 143; 79 Pac. 617) 2117  
**Evergreen Cemetery Assoc. v. New Haven** (43 Conn. 234; 21 Am. Rep. 643) 203, 1612, 1644  
**Everill v. Swan** (17 Utah, 514; 55 Pac. 68) 675, 2880, 2884  
 — *v. Swan* (20 Utah, 56; 57 Pac. 716) 745, 747  
**Evers v. Long Island City** (78 Hun [N. Y.] 242; 28 N. Y. Supp. 825) 3042  
**Evers v. Maysfield** (120 Ky. 73; 85 S. W. 697) 2476  
**Eversole v. Walsh** ([Ky.], 76 S. W. 358) 2629  
**Everson v. Syracuse** (100 N. Y. 577; 3 N. E. 784) 2876  
**Evertson v. Newport Nat. Bank** (66 N. Y. 14; 23 Am. Rep. 9) 1546, 1547  
**Every v. Smith** (26 L. J. Exch. 344) 1699  
**Evison v. Chicago, St. P. M. & O. R. Co.** (45 Minn. 370; 48 N. W. 6; 11 L. R. A. 434) 941, 1092  
**Ewart v. Western Springs** (180 Ill. 318; 54 N. E. 478) 2546, 2555  
**Ewbanks v. Ashley** (36 Ill. 177) 949, 975, 978, 1121  
**Ewert v. Mallery** (16 So. Dak. 151; 91 N. W. 479) 380, 1493, 1495  
**Ewing v. Filley** (43 Pa. St. 384) 644, 646, 652, 1126, 1135  
 — *v. Hoblitzelle* (85 Mo. 64) 117, 316  
 — *v. St. Louis* (5 Wall. [U. S.] 413) 1656, 1657, 2748, 2788, 2789, 2790, 2793, 2795, 2798  
 — *v. State* (81 Tex. 172; 16 S. W. 872) 620  
 — *v. Thompson* (43 Pa. 384) 651  
 — *v. West Chicago Park Com'rs* (215 Ill. 357; 74 N. E. 400) 311, 422  
**Excelsior Brick Co. v. Haverstraw** (142 N. Y. 146; 36 N. E. 819) 1899  
**Excelsior Pav. Co. v. Leach** ([Cal.] 34 Pac. 116) 1261  
**Excelsior Planting & Mfg. Co. v. Green** (39 La. An. 455; 1 So. 873) 2379, 2503  
**Excelsior Springs v. Ettenson** (120 Mo. App. 215; 96 S. W. 701) 1212, 2491  
**Exchange Alley, In re** (4 La. An. 4) 1644, 1646  
**Exchange & B. Co. v. Roanoke Gas & Water Co.** (90 Va. 83; 17 S. E. 789) 2215  
**Exchange Bank of Columbus v. Hides** (3 Ohio St. 1) 2312, 2375, 2407  
**Exempt Firemen's Fund v. Roome** (93 N. Y. 313) 748, 750  
**Exeter v. Glyde** (4 Mod. 37) 808  
 — *v. Starre* (2 Show. 158) 679, 722, 983  
**Exterkamp v. Covington Harbor Co.** (104 Ky. 796; 47 S. W. 1086) 1709  
**Eyerly v. Jasper Co.** (72 Iowa, 149; 33 N. W. 609) 2676  
**Eyerman v. Blaksley** (78 Mo. 145) 1665, 2493

[References are to pages]

- Eyke *v.* Lange (104 Mich. 26; 63 N. W. 535) 2479  
 Eyler *v.* Alleghany County (49 Md. 257; 33 Am. Rep. 249) 770, 1617  
 Eyman *v.* People (6 Ill. 8) 2804  
  
 Faber *v.* St. Paul, M. & M. R. Co. (29 Minn. 465; 13 N. W. 902) 2067  
 Face *v.* Ionia (90 Mich. 104; 51 N. W. 184) 1768, 2975  
 Facey *v.* Fuller (13 Mich. 527) 839  
 Factors & Tr. Ins. Co. *v.* New Orleans (25 La. An. 454) 2833  
 Fagan, *In re* (70 N. J. L. 341; 57 Atl. 469) 284  
 — *v.* Chicago (84 Ill. 227) 2322, 2547  
 Fagg, *Ex parte* (38 Tex. Crim. R. 573; 44 S. W. 294; 40 L. R. A. 212) 969, 972, 1110, 1121, 1125  
 Fahey *v.* Harvard (62 Ill. 28) 3014, 3024  
 Fahnestock *v.* Peoria (171 Ill. 454; 49 N. E. 496) 2546, 2548  
 Fahy *v.* Johnstone (21 N. Y. App. Div. 154; 47 N. Y. Supp. 402) 2780  
 Fair *v.* London & N. W. R. Co. (21 L. T. R. N. s. 326) 3005  
 — *v.* Moore (3 Up. Can. C. P. 484) 669, 1175  
 — *v.* Philadelphia (88 Pa. 309) 3040, 3050  
 Fairbanks *v.* Fitchburg (110 Mass. 224) 1675  
 — *v.* Kerr (70 Pa. St. 86; 10 Am. Rep. 664) 1787  
 — *v.* Rockingham (75 Vt. 221; 54 Atl. 186) 2928  
 Fairbanks, Morse & Co. *v.* North Bend (68 Neb. 560; 94 N. W. 537) 1197, 1214, 1219  
 Fairbury Union Agricultural Board *v.* Holly (169 Ill. 9; 48 N. E. 149) 1695, 1733  
 Fairchild *v.* Hedges (14 Wash. 117; 44 Pac. 125; 31 L. R. A. 851) 764  
 — *v.* Ogdensburgh, C. & R. R. Co. (15 N. Y. 337; 69 Am. Dec. 606) 1299, 1301  
 — *v.* St. Paul (46 Minn. 540; 49 N. W. 325) 1619  
 Fairfield *v.* Gallatin County (100 U. S. 47) 575  
 — *v.* Oldtown (73 Me. 573) 765  
 — *v.* People (94 Ill. 244) 2441  
 — *v.* Ratcliff (20 Iowa, 396) 2399, 2401  
 — *v.* Rural Indep. Dist. (116 Fed. Rep. 838, rev'g 111 Fed. Rep. 108, 453) 395, 1455, 1462, 1484, 1503, 1505, 1507  
 — *v.* Sechrest (136 Ill. App. 8) 2821  
 Fairgrieve *v.* Moberly (39 Mo. App. 31) 2960  
 Fair Haven & W. R. Co. *v.* New Haven (203 U. S. 379, aff'g 77 Conn. 677; 60 Atl. 651) 2450  
 — *v.* New Haven (75 Conn. 442; 53 Atl. 960) 2400, 2591  
 Fairmont *v.* Meyer (83 Minn. 456; 86 N. W. 457) 980, 1015  
 Fairplay *v.* Park County (29 Colo. 57; 67 Pac. 152) 1903  
 Faist *v.* Hoboken (72 N. J. L. 361; 60 Atl. 1120) 1223  
 Faith *v.* Bowles (86 Md. 13; 37 Atl. 711; 63 Am. St. Rep. 489) 1564  
 Falch *v.* People (99 Ill. 137) 2545  
 Fales *v.* Easthampton (162 Mass. 422; 38 N. E. 1129) 1674  
 Falk, *Ex parte* (42 Ohio St. 638) 262, 263, 264  
 Fallbrook Irr. Dist. *v.* Bradley (164 U. S. 112) 1632, 2313, 2316, 2364, 2365, 2501, 2520  
 Falldin *v.* Seattle (50 Wash. 561; 97 Pac. 658) 2821  
 Fallen *v.* Boston (3 Allen [Mass.] 38) 3000  
 Fallick *v.* Barber (1 M. & S. 108) 552  
 Fallon, Matter of (28 N. Y. Misc. 748; 59 N. Y. Supp. 849) 564, 1247  
 — *v.* Wright (82 N. Y. App. Div. 193; 81 N. Y. Supp. 758) 715  
 Falls *v.* Cairo (58 Ill. 403) 2828, 2832, 2833  
 — *v.* Reis (74 Pa. 439) 1719  
 Fallsburg Power & Mfg. Co. *v.* Alexander (101 Va. 98; 43 S. E. 194; 61 L. R. A. 129; 99 Am. St. Rep. 855) 2126  
 Falmouth *v.* Watson (5 Bush [Ky.] 660) 2462  
 Falvey *v.* Hennepin County (76 Minn. 257; 79 N. W. 302) 2831  
 Fane's Case (Doug. 153) 782  
 Fanning *v.* Gregoire (16 How. [U. S.] 524) 519, 1172  
 — *v.* Osborne (102 N. Y. 441; 7 N. E. 307) 1948, 1973, 1990  
 — *v.* Schammel (68 Cal. 428; 9 Pac. 427) 2634  
 — *v.* Wilkes County (119 Ga. 315; 46 S. E. 410) 2460  
 Fargo *v.* Hart (193 U. S. 490) 2331, 2333, 2343, 2346, 2409, 2410, 2412, 2413, 2414  
 — *v.* Michigan (121 U. S. 230) 2330, 2331, 2338  
 Faribault *v.* Misener (20 Minn. 396) 2461, 2482  
 — *v.* Wilson (34 Minn. 254; 25 N. W. 449) 556, 965, 1100, 1102

[References are to pages]

- Farist Steel Co. v. Bridgeport (60 Conn. 278; 22 Atl. 561; 13 L. R. A. 590) 483, 1631
- Farley v. Lockport (61 N. Y. Misc. 417; 113 N. Y. Supp. 702) 2779
- v. New York City (152 N. Y. 222; 46 N. E. 506; 57 Am. St. Rep. 511, rev'g 9 N. Y. App. Div. 536; 41 N. Y. Supp. 622) 1787, 1853, 1861
- Farmer v. Cedar Rapids (116 Iowa, 322; 89 N. W. 1105) 2927
- Farmers' & M. Bank v. Los Angeles (151 Cal. 655; 91 Pac. 795) 2815
- Farmers' Loan & T. Co. v. Carroll (5 Barb. [N. Y.] 613) 1579
- v. Galesburg (133 U. S. 156) 2179, 2180
- v. Hastings ([Neb.], 96 N. W. 104) 2451
- v. Sioux Falls (131 Fed. Rep. 890) 435, 1382
- Farmers' Nat. Bank v. Jones (105 Fed. Rep. 459) 2658
- Farmington v. Pillsbury (114 U. S. 138) 1350, 2810
- v. Rutherford (94 Mo. App. 328; 68 S. W. 83) 2473
- Farmington River W. P. Co. v. Berkshire County (112 Mass. 206) 2798
- Farnham v. Colman (19 S. Dak. 343; 103 N. W. 161; 1 L. R. A. n. s. 1135; 117 Am. St. Rep. 944) 2657
- Farnsworth v. Boston (121 Mass. 173) 1652, 1655, 2712, 2718
- v. Pawtucket (13 R. I. 82) 1156
- v. Rockland (83 Me. 508; 22 Atl. 394) 1877
- Farnum v. Concord (2 N. H. 392) 2857, 2957, 3001
- v. Warner (104 Cal. 677; 38 Pac. 421) 324, 2394
- Farquar v. Roseburg (18 Oreg. 271; 22 Pac. 1103; 17 Am. St. Rep. 732) 2997
- Farr v. Detroit (136 Mich. 200; 99 N. W. 19) 2602
- v. Grand Rapids (112 Mich. 99; 70 N. W. 411) 536, 1361
- v. Lyons (13 Fed. Rep. 377) 1325
- Farraher v. Keokuk (111 Iowa, 310; 82 N. W. 773) 2596
- Farrar v. Greene (32 Me. 574) 2970, 2971
- v. St. Louis (80 Mo. 379) 1812, 2386, 2496, 2503, 2505, 2527, 2581, 2583, 2596
- Farrell v. Bridgeport (45 Conn. 191) 675, 744
- Farrell v. Chicago (198 Ill. 558; 65 N. E. 103) 1253, 1258
- v. Cook (16 Neb. 483; 20 N. W. 720; 49 Am. Rep. 721) 1040
- v. King (41 Conn. 448) 879
- v. London (12 Up. Can. Q. B. 343) 2809, 2810, 2903 3051, 3054
- v. Oldtown (69 Me. 72) 2978, 2979, 3019
- v. West Chicago (162 Ill. 280; 44 N. E. 527) 2623
- v. West Chicago Park Com'rs (181 U. S. 404, aff'g 182 Ill. 250; 55 N. E. 325) 2521
- Farrelly v. Cincinnati (2 Disney [Ohio] 516) 3004
- v. Cole (60 Kan. 356; 56 Pac. 492; 44 L. R. A. 464) 334
- Farrington v. Mt. Vernon (166 N. Y. 233; 59 N. E. 826, aff'g 51 N. Y. App. Div. 250; 64 N. Y. Supp. 863) 1822
- Farrior v. New England Mortgage Security Co. (92 Ala. 176; 9 So. 532; 12 L. R. A. 856) 1410
- Farson v. Chicago (138 Fed. Rep. 184) 1088
- v. Fogg (205 Ill. 326; 68 N. E. 755) 1820, 1964, 1965
- Farson, Leach & Co. v. Louisville Com'rs of Sinking Fund (97 Ky. 119; 30 S. W. 17) 1386, 1507
- Farwell v. Boston (192 Mass. 15; 78 N. E. 303) 912
- v. Cambridge (11 Gray [Mass.] 413) 1678
- v. Des Moines Brick Mfg. Co. (97 Iowa, 286; 66 N. W. 176; 35 L. R. A. 63) 2430, 2525, 2572, 2576, 2593, 2594
- v. Rockland (62 Me. 296) 731
- v. Seattle (43 Wash. 141; 86 Pac. 217) 449, 2121
- v. Smith (16 N. J. L. 133) 982
- Fash v. Third Av. R. R. Co. (1 Daly [N. Y.] 148) 1981
- Fass v. Seehawer (60 Wis. 525; 19 N. W. 533) 2629
- Fath v. Koeppel (72 Wis. 289; 39 N. W. 539; 7 Am. St. Rep. 867) 771
- v. Tower Grove & L. R. Co. (105 Mo. 537; 16 S. W. 913; 13 L. R. A. 74) 902, 1093
- Fatout v. Indianapolis School Board (102 Ind. 223; 1 N. E. 389) 1588
- Faulkner v. Aurora (85 Ind. 130; 44 Am. Rep. 1) 2904
- v. Seattle (19 Wash. 320; 53 Pac. 365) 368, 369
- Fauntleroy v. Hannibal (1 Dillon C. C. [U. S.] 118) 440



[References are to pages]

- Fausnaugh v. Rogers* (62 N. Y. App. Div. 535; 71 N. Y. Supp. 125) 1082
- Faust v. Huntington* (91 Ind. 493) 1662, 1713
- *v. Huntsville* (83 Ala. 279; 3 So. 771) 446, 1662, 1655, 1668
- Fauvia v. New Orleans* (20 La. An. 410) 2850
- Fawcett v. Charles* (13 Wend. [N. Y.] 473) 783, 793
- *v. Mt. Airy* (134 N. Car. 125; 45 S. E. 1029; 63 L. R. A. 870; 101 Am. St. Rep. 825) 427, 563
- Fay, Petitioner* (15 Pick. [Mass.] 243) 458, 519, 2793, 2797, 2798
- *v. Davidson* (13 Minn. 523) 3028
- *v. Noble* (12 Cush. [Mass.] 1) 524
- *v. Partridge* (78 N. Y. App. Div. 204; 79 N. Y. Supp. 722, rev'g 174 N. Y. 526; 66 N. E. 1107) 710, 760
- *v. Reed* (128 Cal. 357; 60 Pac. 927) 2454
- *v. Springfield* (94 Fed. Rep. 409) 2519
- Fayette v. Rich* (122 Mo. App. 145; 99 S. W. 8) 1219
- *v. Shafroth* (25 Mo. 445) 1133
- Fayette County v. Chitwood* (8 Ind. 504) 885
- Fayetteville v. Carter* (52 Ark. 301; 12 S. W. 573; 6 L. R. A. 509) 1004, 2462
- *v. Fayetteville Water, L. & P. Co.* (135 Fed. Rep. 400) 2191
- Fayetteville S. R. & Turnpike Co. v. Fayetteville* (37 N. Y. Misc. 223; 75 N. Y. Supp. 180) 1800
- Fayssoux v. Denis* (48 La. An. 850; 19 So. 760) 2380, 2503
- Fazakerly v. Wiltshire* (1 Stra. 469) 952, 963
- Fazende v. Houston* (34 Fed. Rep. 95) 1172
- Fearing v. Clark* (16 Gray [Mass.] 74) 1486
- *v. Irwin* (4 Daly [N. Y.] 385, aff'd 55 N. Y. 486) 1835, 1842
- Fecheimer v. Louisville* (84 Ky. 306; 2 S. W. 65) 2326, 2476
- Fehler v. Gosnell* (99 Ky. 380; 35 S. W. 1125) 1261, 1262
- Fehringer v. Chicago* (187 Ill. 416; 58 N. E. 303) 2453
- Feist v. New York* (74 N. Y. App. Div. 627; 77 N. Y. Supp. 517) 2829
- Feital v. Middlesex R. Co.* (109 Mass. 398; 12 Am. Rep. 720) 2978
- Feiten v. Milwaukee* (47 Wis. 494; 2 N. W. 1148) 1654
- Feldman v. Charleston* (23 S. Car. 57) 579, 2312, 2314
- Feldman v. Chicago* (126 Ill. App. 186) 815
- Felix v. Wallace County* (62 Kan. 832; 62 Pac. 667; 84 Am. St. Rep. 424) 1285
- Felker v. New Watcom* (16 Wash. 178; 47 Pac. 505) 2609
- Fell v. Philadelphia* (81 Pa. 58) 1172
- *v. State* (42 Md. 71; 20 Am. Rep. 83) 128, 957
- Fellowes v. New Haven* (44 Conn. 240) 458, 2923
- Fellows v. Fayette School Dist.* (39 Me. 559) 2828
- *v. Gilman* (4 Wend. [N. Y.] 414) 681
- *v. Los Angeles* (151 Cal. 52; 90 Pac. 137) 2123, 2209
- *v. Miner* (119 Mass. 541) 1570
- *v. Walker* (39 Fed. Rep. 651) 287, 1404, 2120, 2749
- Feltmakers v. Davis* (1 Bos. & Pul. 98) 924, 982, 983
- Felton v. Ackerman* (22 U. S. App. 154) 1844
- *v. Hamilton County* (97 Fed. Rep. 823) 2401
- Felts v. Memphis* (2 Head [Tenn.] 263) 1561
- Fenelon's Petition* (7 Pa. 175) 2539
- Fennell, In re* (24 Upper Can. Q. B. 238) 952, 955
- *v. Guelph* (24 Upper Can. Q. B. 238) 1079
- Fennimore v. New Orleans* (20 La. An. 124) 515, 2904
- Fenton v. Blair* (11 Utah, 78; 39 Pac. 485) 357
- Fenwick Hall Co. v. Old Saybrook* (69 Conn. 32; 36 Atl. 1068) 2600
- Ferdinando v. Scranton* (190 Pa. St. 321; 42 Atl. 692) 1714
- Ferens v. O'Brien* (L. R. 11 Q. B. Div. 21; 15 Cox Crim. Cas. 332) 2222
- Fergus v. Columbus* (8 Ohio Dec. 290; 6 Ohio N. P. 82) 2772, 2785
- Fergus Falls v. Boen* (78 Minn. 186; 80 N. W. 961) 2621
- Fergus Falls Water Co. v. Fergus Falls* (65 Fed. Rep. 586) 2155
- Ferguson v. Chittenden County* (6 Ark. 479) 874
- *v. Coffeyville* (77 Kan. 391; 94 Pac. 1010) 2629
- *v. Davis County* (57 Iowa, 601; 10 N. W. 906) 2953
- *v. Earl of Kinnoul* (9 Cl. & F. 289) 775, 819
- *v. Landram* (1 Bush [Ky.] 548; s. c. 5 Bush [Ky.] 230; 96 Am. Dec. 350) 229, 2314, 2606



[References are to pages]

- Ferguson v. Ross* (126 N. Y. 459; 27 N. E. 954) 258, 269, 314  
 — *v. Selma* (43 Ala. 398) 1031, 1039, 1040  
 — *v. Snohomish* (8 Wash. 668; 36 Pac. 969; 24 L. R. A. 795) 2425  
 — *v. Stamford* (60 Conn. 432; 22 Atl. 782) 2617  
*Ferguson's Appeal* (117 Pa. St. 426; 11 Atl. 885) 1716  
*Fernald v. Boston* (12 Cush. [Mass.] 574) 2936  
 — *v. Dover* (70 N. H. 42; 47 Atl. 258) 731  
 — *v. Gilman* (123 Fed. Rep. 797) 1486, 1547, 1551  
 — *v. Lewis* (6 Me. 264) 2855  
*Fernandez v. New Orleans* (46 La. An. 1130; 15 So. 378) 1306, 1313, 1321  
*Ferrell v. Opelika* (144 Ala. 135; 39 So. 249) 919  
*Ferrenbach v. Turner* (86 Mo. 416; 56 Am. Rep. 437) 1831  
*Ferris v. Carson Water Co.* (16 Nev. 44; 40 Am. Rep. 485) 2304  
*Ferry v. Campbell* (110 Iowa, 290; 81 N. W. 604; 50 L. R. A. 92) 2363  
 — *v. Tacoma* (34 Wash. 652; 76 Pac. 277) 2600  
*Ferson's Appeal* (96 Pa. 140) 2539  
*Fertilizing Co. v. Hyde Park* (97 U. S. 659) 556, 557, 558  
*Fessler v. Union* (67 N. J. Eq. 14; 56 Atl. 272) 1748, 1751, 1753, 1755  
*Fetterly v. Municipality of Russell & Cambridge* (14 Upper Can. Q. B. 433) 1189  
*Fewell v. Meridian* (90 Miss. 380; 43 So. 438; 9 L. R. A. n. s. 775) 3050, 3057  
*Fichtenberg v. Atlanta* (126 Ga. 62; 54 S. E. 933) 986  
*Fidelity, The* (9 Ben. 333; Fed. Cas. No. 4757, aff'd 16 Blatchf. 569; Fed. Cas. No. 4758) 1589  
*Fidelity & Casualty Co. v. Louisville* (106 Ky. 207; 50 S. W. 35) 2472  
*Fidelity Trust & Guaranty Co. v. Fowler Water Co.* (113 Fed. Rep. 560) 345, 362, 375, 376, 2132  
*Fidelity Trust & S. V. Co. v. Voris* (110 Ky. 315; 61 S. W. 474) 2527  
*Fidelity Trust Co. v. Palmer* (22 Wash. 473; 61 Pac. 158; 79 Am. St. Rep. 953) 1300  
*Field v. Barber Asphalt Co.* (117 Fed. Rep. 925, aff'd 194 U. S. 618) 1204, 1208, 1819, 1820, 2455, 2580  
*Field v. Barling* (149 Ill. 556; 37 N. E. 850; 24 L. R. A. 406; 41 Am. St. Rep. 311) 1716, 1868  
 — *v. Bayonne* (49 N. J. L. 308; 8 Atl. 114) 532  
 — *v. Carr* (59 Ill. 198) 1690, 1695, 1716, 1722  
 — *v. Chicago* (198 Ill. 224; 64 N. E. 840) 2609  
 — *v. Chicago* (44 Ill. App. 410) 1054  
 — *v. Chipley* (79 Ky. 260; 42 Am. Rep. 215) 742  
 — *v. Commonwealth* (32 Pa. St. 478) 792, 2669  
 — *v. Des Moines* (39 Iowa, 575; 18 Am. Rep. 46) 2846, 2847, 2875  
 — *v. Girard College* (54 Pa. St. 233) 665, 793  
 — *v. Highland Park* (141 Mich. 69; 104 N. W. 393) 1295, 1297  
 — *v. Malster* (88 Md. 691; 41 Atl. 1087) 792  
 — *v. Manchester* (32 Mich. 279) 1732, 1736, 1743  
 — *v. Manistee Water Com'rs* (156 Mich. 186; 120 N. W. 610) 2673  
 — *v. New York* (6 N. Y. 179) 1278  
 — *v. Peeples* (180 Ill. 376; 54 N. E. 304) 2611  
 — *v. Providence* (17 R. I. 803; 24 Atl. 143) 1564  
 — *v. West Orange* (36 N. J. Eq. 120) 3044, 3045  
 — *v. West Orange* (46 N. J. Eq. 183; 2 Atl. 236) 3045  
*Fielders v. North Jersey St. R. Co.* (68 N. J. L. 343; 53 Atl. 404; 54 Atl. 822; 59 L. R. A. 455; 96 Am. St. Rep. 552) 997, 1021, 2462  
*Fields v. Hartford & W. H. R. Co.* (54 Conn. 9; 4 Atl. 105) 2815  
 — *v. Highland County* (36 Ohio St. 476) 285, 286  
 — *v. Stokley* (99 Pa. St. 306; 44 Am. Rep. 109) 1039  
*Fife v. Oshkosh* (89 Wis. 540; 62 N. W. 541) 2985  
*Fifield v. Phoenix* (4 Ariz. 283; 36 Pac. 916; 24 L. R. A. 430) 2980  
*Fifth Avenue Coach Co. v. New York City* (194 N. Y. 19; 86 N. E. 824; 21 L. R. A. n. s. 744) 1853  
 — *v. New York City* (58 N. Y. Misc. 401; 111 N. Y. Supp. 759) 1058  
*Fifth National Bank v. New York Elev. R. Co.* (24 Fed. Rep. 114) 2036  
*Fifth Street, In re* (17 Wend. [N. Y.] 667) 2923  
*Fifty-fourth Street* (165 Pa. 8; 30 Atl. 503) 2539, 2560

[References are to pages]

- Figg v. Louisville & N. R. Co.* (116 Ky. 135; 75 S. W. 269) 2527, 2587
- Filbert v. Philadelphia* (181 Pa. 530; 37 Atl. 545) 1236
- Filbey v. Combe* (2 M. & W. 677) 559
- Filson v. Territory* (11 Okla. 351; 67 Pac. 473) 441
- Finch v. Board, &c.* (30 Ohio St. 37; 27 Am. Rep. 414) 63
- *v. Riverside & A. R. Co.* (87 Cal. 597; 25 Pac. 765) 1147, 1991, 2002, 2006
- *v. Temaha County* (29 Cal. 455) 2406
- *v. Toledo Board of Education* (30 Ohio St. 37) 2860, 2889
- *v. York County* (19 Neb. 50; 26 N. W. 589; 56 Am. Rep. 741) 2415
- Findlay v. Frey* (51 Ohio St. 390; 38 N. E. 114) 2538
- *v. Pendleton* (62 Ohio St. 80; 56 N. E. 649) 1178, 1196, 1244
- *v. Pertz* (66 Fed. Rep. 427; 29 L. R. A. 188) 1143, 1149, 1190
- Findler v. San Francisco* (13 Cal. 534) 1597
- Findley v. Pittsburgh* (82 Pa. St. 351) 1223
- Finegan v. Eckerson* (32 N. Y. App. Div. 233; 52 N. Y. Supp. 993) 1824
- Fineran v. Central Bitulithic Pav. Co.* (116 Ky. 495; 76 S. W. 415) 1206, 1208
- Fink v. Milwaukee* (17 Wis. 26) 979, 981, 1121
- *v. Newark* (40 N. J. L. 11) 1660
- *v. St. Louis* (71 Mo. 452) 2926, 3024, 3036, 3054
- Finlayson v. Vaughn* (54 Minn. 331; 56 N. W. 49) 385, 397
- Finley v. Dietrick* (12 Iowa, 516) 621
- *v. Kendallville* ([Ind. App.], 90 N. E. 1036) 3038, 3040, 3047
- *v. Philadelphia* (32 Pa. 381) 2408
- Finnegan v. Fernandina* (15 Fla. 379; 21 Am. Rep. 292) 2479
- *v. St. Joseph* (123 Mich. 330; 82 N. W. 51) 1746
- *v. Sioux City* (112 Iowa, 232; 83 N. W. 907) 2999
- Finnell v. Kates* (19 Ohio St. 405) 2608, 2631
- Finney v. Oshkosh* (18 Wis. 220) 1250, 1251
- Finney County School Dist. v. Cushing* (8 Kan. App. 728; 54 Pac. 924) 1378, 1464
- Fire Dept. v. Atlas Steamship Co.* (106 N. Y. 566; 13 N. E. 329) 168
- *v. Gilmour* (149 N. Y. 453; 44 N. E. 177; 52 Am. St. Rep. 748) 943, 1104
- *v. Helfenstein* (16 Wis. 136) 998
- *v. Kip* (10 Wend. [N. Y.] 267) 127, 442
- Fire Extinguisher Mfg. Co. v. Perry* (8 Okl. 429; 58 Pac. 635) 1171
- Fire Ins. Patrol v. Boyd* (120 Pa. St. 624; 15 Atl. 553; 6 Am. St. Rep. 745) 2897
- Firemen's Benevolent Assoc. v. Lounsbury* (21 Ill. 510) 750
- Firmstone v. Spaeter* (150 Pa. 616; 25 Atl. 41; 30 Am. St. Rep. 851) 1719
- First Bapt. Church v. Utica & S. R. Co.* (6 Barb. [N. Y.] 313) 1782, 1784
- First Eccl. Soc. of H. v. Hartford* (38 Conn. 274) 2827
- First Evangelical Church v. Walsh* (57 Ill. 363) 1033, 1695, 1715
- First German Reformed Church v. Summit County* (23 Ohio Cir. Ct. 553) 1686
- First Methodist E. Church v. Atlanta* (76 Ga. 181) 2502
- First Nat. Bank v. Arthur* (10 Colo. App. 283; 50 Pac. 738) 1302, 1303, 1321
- *v. Arthur* (12 Colo. App. 90; 54 Pac. 1107) 1303, 2652
- *v. Binghamton* (72 N. Y. App. Div. 354; 76 N. Y. Supp. 526) 2423
- *v. Board of Reviewers* (41 La. An. 181; 5 So. 408) 2379, 2440
- *v. Gates* (66 Kan. 505; 72 Pac. 207) 1295, 1300
- *v. Heflebower* (58 Kan. 792; 51 Pac. 225) 2647
- *v. Morton County* (7 Kan. App. 739; 52 Pac. 580) 1293
- *v. Ottawa* (43 Kan. 294; 23 Pac. 485) 469
- *v. Rockefeller* (195 Mo. 15; 93 S. W. 761) 2736
- *v. Sarlls* (129 Ind. 201; 28 N. E. 434; 28 Am. St. Rep. 185) 1035, 1104, 1105, 1106, 1108
- *v. Tyson* (144 Ala. 457; 39 So. 560; s. c. 133 Ala. 459; 32 So. 144; 59 L. R. A. 399; 91 Am. St. Rep. 46) 1785, 1787, 1788, 1790, 1880, 1884
- *v. Wyandotte County* (68 Fed. Rep. 878) 2377
- First Nat. Bank of A. v. Americus* (68 Ga. 119) 2826, 2831, 2835

TABLE OF CASES CITED

139

[References are to pages]

First Nat. Bank of Charlotte v. National Exch. Bank of Baltimore (92 U. S. 122)	2809	Fisher v. People (157 Ill. 85; 41 N. E. 615)	2600
First Nat. Bank of Louisville v. Commonwealth (9 Wall. [U. S.] 353)	2321	— v. Prowse (2 Best & S. 770)	1696, 1697, 3032
First Nat. Bank of Shawneetown v. Cook (77 Ill. 622)	2764	— v. Rochester (6 Lans. [N. Y.] 225)	1819
First Parish in Sutton v. Cole (3 Pick. [Mass.] 232)	609	— v. St. Louis (44 Mo. 482)	1252
First Presb. Church v. Ft. Wayne (36 Ind. 338; 10 Am. Rep. 35)	2571, 2575	— v. Thirkell (21 Mich. 1; 4 Am. Rep. 422)	1872, 3030, 3031
First Street, Matter of (66 Mich. 42; 33 N. W. 15)	1803, 1804	— v. Val de Travers Asphalte Co. (L. R. 1 C. P. Div. 511)	3033
First Unitarian Society v. Hartford (66 Conn. 368; 34 Atl. 89)	2446	— v. Vaughan (10 Upper Can. Q. B. 492)	608, 903, 924
Fischback v. People (191 Ill. 171; 60 N. E. 887)	2600	— v. Wayne Circuit Judge (128 Mich. 543; 87 N. W. 792)	2656
Fischer v. St. Louis (194 U. S. 361, aff'g 167 Mo. 654; 67 S. W. 872)	937, 939, 940	Fisk v. Havanna (88 Ill. 208)	1709, 1724
Fish v. McGann (205 Ill. 179; 68 N. E. 761, aff'g 107 Ill. App. 538)	708, 709	— v. Jefferson Par. Pol. Jury (116 U. S. 131)	729, 2679, 2685
— v. Rochester (6 Paige [N. Y.] 268)	1818	— v. Ley (76 Conn. 295; 56 Atl. 559)	1747
— v. Weatherwax (2 Johns. Cas. [N. Y.] 217)	727, 2664	Fiske, <i>Ex parte</i> (72 Cal. 125; 13 Pac. 310)	938, 947, 1104, 1106
Fishburn v. Chicago (171 Ill. 338; 49 N. E. 532; 39 L. R. A. 482; 63 Am. St. Rep. 236)	1206, 1209, 1216	— v. Hazzard (7 R. I. 438)	568
Fisher v. Attleboro School District (4 Cush. [Mass.] 494)	847, 1193	— v. People (188 Ill. 206; 58 N. E. 985; 52 L. R. A. 291)	210, 212, 1216, 2453
— v. Beard (32 Iowa, 346)	1695, 1716	Fitch, Matter of (147 N. Y. 334; 41 N. E. 699)	1823, 2797
— v. Beard (40 Iowa, 625)	1750	— v. Manitou County (133 Mich. 178; 94 N. W. 952)	222
— v. Boston (104 Mass. 87; 6 Am. Rep. 196)	560, 2303, 2847, 2849, 2882, 2894, 2899	— v. New York (40 Hun [N. Y.] 512)	1145
— v. Carpenter (36 Kan. 184; 12 Pac. 941)	1722	— v. Pinckard (5 Ill. 76)	442, 451, 983, 2406, 2451
— v. Charleston (17 W. Va. 595)	2679	— v. Seymour Water Co. (139 Ind. 214; 37 N. E. 982; 47 Am. St. Rep. 258)	2304, 2305
— v. Chicago (213 Ill. 268; 72 N. E. 680)	2546, 2556, 2613	Fitchburg v. Fitchburg R. Co. (180 Mass. 535; 62 N. E. 989)	1837
— v. Graham (1 Cin. Super. Cts. [Ohio] 113)	950	Fitterer v. Crawford (157 Mo. 51; 57 S. W. 532; 50 L. R. A. 191)	2444
— v. Greensboro Water Supply Co. (128 N. Car. 375; 38 S. E. 912)	2305	Fitts v. McGhee (172 U. S. 516)	2226, 2259
— v. Harrisburg (2 Grant [Pa.] Cas. 291)	925, 942, 952, 1815	Fitz v. Boston (4 Cush. [Mass.] 365)	2961
— v. McGirr (1 Gray [Mass.] 1; 61 Am. Dec. 381)	555, 986, 1113	Fitzacherly v. Wiltshire (11 Mod. 353)	987
— v. Mt. Vernon (41 N. Y. App. Div. 293; 58 N. Y. Supp. 499)	3020	Fitzell v. Philadelphia (211 Pa. 1; 60 Atl. 323)	1630
— v. Naysmith (106 Mich. 71; 64 N. W. 19)	1098	Fitzer v. St. Paul City R. Co. (105 Minn. 221; 117 N. W. 434; 18 L. R. A. n. s. 268)	2014
— v. New Bern (140 N. Car. 506; 53 S. E. 342; 5 L. R. A. n. s. 542; 11 Am. St. Rep. 857)	2135, 2880, 2882, 2911	Fitzgerald, Matter of (88 N. Y. App. Div. 434; 82 N. Y. Supp. 811; 84 N. Y. Supp. 1125)	680, 859
		— v. Barbour (3 U. S. App. 565)	1790
		— v. Berlin (51 Wis. 81; 7 N. W. 836; 37 Am. Rep. 814)	2964
		— v. Berlin (64 Wis. 203; 24 N. W. 879)	2973
		— v. Faunce (46 N. J. L. 591)	503

[References are to pages]

- Fitzgerald v. McClay* (47 Neb. 816; 66 N. W. 828) 1266
- *v. New Brunswick* (47 N. J. L. 479; 1 Atl. 496; 54 Am. Rep. 182) 269
- *v. Pawtucket Street R. Co.* (24 R. I. 201; 52 Atl. 887) 868
- *v. Saxton* (58 Ark. 494; 25 S. W. 499) 1710, 1798
- *v. Sharon* (143 Iowa, 730; 121 N. W. 523) 3042
- *v. Walker* (55 Ark. 148; 17 S. W. 702) 59, 63, 1235, 2374
- *v. Weston* (52 Wis. 354; 9 N. W. 13) 3004
- *v. Whipple* (41 Mich. 548; 49 N. W. 922) 877
- Fitzgibbon v. Toronto* (25 Upper Can. Q. B. 137) 1793
- Fitzhugh v. Bay City* (109 Mich. 581; 67 N. W. 904) 2602
- *v. Custer* (4 Tex. 391; 51 Am. Dec. 728) 2714
- Fitzsimmons v. Brooklyn* (102 N. Y. 536; 7 N. E. 787; 55 Am. Rep. 835) 737, 738, 745
- *v. O'Neill* (214 Ill. 494; 73 N. E. 797, aff'g 114 Ill. App. 168) 805, 806
- Flack v. Green Island* (122 N. Y. 107; 25 N. E. 267) 1706, 1707, 1716, 1723, 1724, 1730, 1746
- Flagg v. Barnes County School Dist.* (4 N. Dak. 30; 58 N. W. 499; 25 L. R. A. 363) 1369, 1462, 1464, 1467, 1502, 1503, 1520
- *v. Hudson* (142 Mass. 280; 8 N. E. 42; 56 Am. Rep. 674) 2969
- *v. Palmyra* (33 Mo. 440) 1439, 1534, 2675, 2687
- *v. St. Charles* (48 La. An. 765; 19 So. 944) 1312
- *v. Worcester* (13 Gray [Mass.] 601) 2918, 2922, 2936, 3036, 3040, 3041, 3043, 3050, 3057
- Flaherty, In re* (105 Cal. 558; 38 Pac. 981; 27 L. R. A. 529) 937, 938
- Flanagan v. Plainfield* (44 N. J. L. 118) 519, 996, 2463
- *v. St. Paul* (65 Minn. 347; 68 N. W. 47) 2489
- Flanagan's Adm. v. Wilmington* (4 Houst. [Del.] 548) 2814
- Flanders v. Franklin* (70 N. H. 168; 47 Atl. 88) 3037, 3042, 3043
- *v. Merrimack* (48 Wis. 567; 4 N. W. 741) 2441
- *v. Norwood* (141 Mass. 17; 5 N. E. 256) 2955
- Flandreau v. Elsworth* (151 N. Y. 473; 45 N. E. 853) 475, 504
- Flatán v. State* (56 Tex. 93, 101) 802
- Flatbush, In re* (60 N. Y. 398) 180, 218, 1637, 2102, 2654
- Flatbush Ave., In re* (1 Barb. [N. Y.] 286) 2495
- Flax Pond Water Co. v. Lynn* (147 Mass. 31; 16 N. E. 742) 2420
- Fleckner v. United States Bank* (8 Wheat. [U. S.] 338) 1173
- Fleetwood v. Read* (21 Wash. 547; 58 Pac. 665; 47 L. R. A. 205) 2463, 2465, 2470
- Fleischfresser v. Schmidt* (41 Wis. 223) 1716
- Fleishel v. Hightower* (62 Ga. 324) 1587
- Fleitas v. New Orleans* (51 La. An. 1; 24 So. 623) 509
- Fleming, In re* (4 Hill [N. Y.] 581) 2645
- *v. Appleton* (55 Wis. 90; 12 N. W. 462) 2813
- *v. Dyer* ([Ky.], 47 S. W. 444) 2679
- *v. Manchester* (44 L. T. N. s. 517) 3050
- *v. Mershon* (37 Iowa, 413) 2772, 2786
- *v. Shenandoah* (71 Iowa, 456; 32 N. W. 456) 3004
- *v. Suspension Bridge* (92 N. Y. 368) 1184, 2909
- Fleming's Appeal* (65 Pa. St. 444) 562
- Flemingsburg v. Wilson* (1 Bush [Ky.] 203) 1787
- Flemming v. Stahl* (83 Fed. Rep. 940) 786
- Flersheim v. Baltimore* (85 Md. 489; 36 Atl. 1098) 1716, 1719
- Fletcher v. Alpena Circuit Judge* (136 Mich. 511; 99 N. W. 748) 2656, 2707
- *v. Auburn & S. R. Co.* (25 Wend. [N. Y.] 462) 1796, 1999, 2011, 2025
- *v. Collingswood* ([N. J.], 59 Atl. 90) 1386
- *v. Ellsworth* (53 Kan. 751; 37 Pac. 115) 2965
- *v. Hickman* (136 Fed. Rep. 568) 949, 1413
- *v. Lowell* (15 Gray [Mass.] 103) 670
- *v. Oliver* (25 Ark. 289) 2372
- *v. Oshkosh* (18 Wis. 228) 1250, 1253, 1258
- *v. Peck* (6 Cranch [U. S.] 87) 190, 915
- *v. Prather* (102 Cal. 413; 36 Pac. 658) 2634
- *v. Thunder River Boom Co.* (51 Mich. 277; 16 N. W. 645) 486
- Fletwood v. Commonwealth* (80 Ky. 1) 675
- Flewellyn v. Webster* (6 U. C. Q. B. 586) 608

## TABLE OF CASES CITED

141

[References are to pages]

- Flieth v. Wausau** (93 Wis. 446; 67 N. W. 731) 2814
- Flinn v. State** (24 Ind. 286) 61
- *v. Strauss* (4 Cal. App. 245; 78 Pac. 414) 1167
- Flint v. Clinton Comp'y** (12 N. H. 430) 1597
- *v. Russell* (5 Dillon, 151) 1044, 1049
- Flint River Steamboat Co. v. Foster** (5 Ga. 194; 48 Am. Dec. 248) 978
- Flock v. Smith** (65 N. J. L. 224; 47 Atl. 442) 269, 332
- Flood v. Atlantic City** (63 N. J. L. 530; 42 Atl. 829) 867, 906
- *v. Van Wormer* (147 N. Y. 284; 41 N. E. 569, aff'g 70 Hun [N. Y.] 415; 24 N. Y. Supp. 460) 1786
- Flora v. Sachs** (64 Ind. 155) 961
- Florence, Ex parte** (78 Ala. 419) 450, 454, 987
- Flori v. St. Louis** (69 Mo. 341; 33 Am. Rep. 504) 2855, 2860, 2915
- Florida Cent. & P. R. Co. v. Columbia** (54 S. Car. 266; 32 S. E. 408) 2476
- *v. Ocala St. & S. R. Co.* (39 Fla. 306; 22 So. 692) 1837, 1976
- *v. Reynolds* (183 U. S. 471, aff'g 35 Fla. 625; 39 Fla. 243; 22 So. 697; 17 So. 902) 2441, 2442
- Florida So. R. Co. v. Brown** (23 Fla. 104; 1 So. 512) 2010
- Florman v. School Dist. No. 11** (6 Colo. App. 319; 40 Pac. 469) 1588
- Flournoy v. Breard** (116 La. 224; 40 So. 684) 1707
- *v. Jeffersonville* (17 Ind. 169; 79 Am. Dec. 468) 1249, 2478, 2480
- Flower v. Adams** (2 Taunt. 314) 2971
- Floyd v. Atlanta Banking Co.** (109 Ga. 778; 35 S. E. 172) 2834
- *v. Eatonton* (14 Ga. 354) 978, 1118, 1121, 1125, 1128
- *v. Gilbreath* (27 Ark. 675) 2765
- *v. Perrin* (30 S. Car. 1; 8 S. E. 14; 2 L. R. A. 242) 569, 576
- *v. Turner* (23 Tex. 293) 1659
- Floyd Acceptances** (7 Wall. [U. S.] 666) 1295, 1432, 1436, 1544
- Floyd County v. Day** (19 Ind. 450) 524, 526, 1293, 1294, 1345, 1592
- *v. Rome St. R. Co.* (77 Ga. 614; 3 S. E. 3) 1831, 1932, 2002
- *v. State* (112 Ga. 794; 38 S. E. 37) 431, 657
- Fluker v. Union Point** (132 Ga. 568; 64 S. E. 648) 2763
- Flynn v. Canton County** (40 Md. 312; 17 Am. Rep. 603) 2840, 2969, 2986
- Flynn v. Detroit** (93 Mich. 590; 53 N. W. 815) 1898
- *v. Little Falls Elect. & Water Co.* (74 Minn. 180; 77 N. W. 38; 78 N. W. 106) 232, 297, 464, 2155, 2768
- *v. Neosho* (114 Mo. 567; 21 S. W. 903) 121
- *v. Springfield* (120 Ill. App. 266) 671
- *v. Taylor* (127 N. Y. 596; 28 N. E. 418; 14 L. R. A. 556) 1861, 1862
- *v. Watertown* (173 Mass. 108; 53 N. E. 147) 2999
- Fobes v. Rome, W. & O. R. Co.** (121 N. Y. 505; 24 N. E. 919; 8 L. R. A. 453) 2010, 2023, 2024, 2039
- Fockler v. Kansas City** (94 Mo. App. 464; 68 S. W. 363) 2973, 2991
- Foels v. Tonawanda** (75 Hun [N. Y.] 363; 27 N. Y. Supp. 113) 3020
- Fogarty v. Kemmell** (105 Mass. 264) 1742
- Fogg v. Hoquiam** (23 Wash. 340; 63 Pac. 234) 2481, 2641
- *v. Nahant* (98 Mass. 578) 2970, 2990
- *v. Nahant* (106 Mass. 278) 2970, 3000
- *v. Ocean City Sewer Co.* (72 N. J. Eq. 736; 66 Atl. 609) 881
- Fohl v. Sleepy-Eye Lake** (80 Minn. 67; 82 N. W. 1097) 1613, 1804
- Foland v. Frankton** (142 Ind. 546; 41 N. E. 1031) 357, 358, 362
- Foley v. Bullard** (99 Cal. 516; 33 Pac. 1081) 1278
- *v. Doddridge County Court* (54 W. Va. 16; 46 S. E. 246) 1895
- *v. Haverhill* (144 Mass. 352; 11 N. E. 554) 2794, 2826
- *v. Hoboken* (61 N. J. L. 478; 38 Atl. 833) 265, 281, 283, 321
- *v. New York* (95 N. Y. App. Div. 374; 88 N. Y. Supp. 690) 2967
- *v. Passaic* (26 N. J. Eq. 216) 2748
- *v. Tyler* (161 Ill. 167; 43 N. E. 845) 649
- Folk v. Milwaukee** (108 Wis. 359; 84 N. W. 420) 2861, 2888, 3059
- Folkenson v. Easton Bor.** (116 Pa. 523; 8 Atl. 869) 1820, 2948
- Follett v. People** (12 N. Y. 273) 1832
- Follman v. Mankato** (35 Minn. 522; 29 N. W. 317; 59 Am. Rep. 340) 3003
- Follmann v. Mankato** (45 Minn. 457; 48 N. W. 192) 3043
- Follmer v. Nuckolls Co.** (6 Neb. 204) 1197, 2770



[References are to pages]

- Folmar v. Curtis* (86 Ala. 354; 5 So. 678) 960, 964
- Folmsbee v. Amsterdam* (142 N. Y. 118; 36 N. E. 821, aff'g 66 Hun [N. Y.] 214; 21 N. Y. Supp. 42) 1821, 1823, 1824, 2923
- Folsom, In re* (56 N. Y. 60) 2581
- *v. Freeborn* (13 R. I. 200, 204) 488
- *v. Ninety-Six* (159 U. S. 611) 1407, 2686
- *v. School Directors* (91 Ill. 402) 1338
- *v. Underhill* (36 Vt. 580) 1728, 3018
- Foltz v. Kerlin* (105 Ind. 221; 5 N. E. 672; 55 Am. Rep. 197) 725, 727
- Fonda v. Canal Appraisers* (1 Wend. [N. Y.] 288) 2796
- Fond du Lac v. Moore* (58 Wis. 170; 15 N. W. 782) 683
- Fones Hardware Co. v. Erb* (54 Ark. 645; 17 S. W. 7; 13 L. R. A. 353) 1212
- Fonsler v. Atlantic City* (70 N. J. L. 125; 56 Atl. 119) 1088
- Foot v. Bronson* (4 Lansing [N. Y.] 47) 3043
- *v. Prowse* (1 Str. 625; s. c. 3 Bro. P. C. 169) 715, 716, 720
- Foot v. Cincinnati* (11 Ohio, 408) 127, 128
- *v. Johnson County* (5 Dillon C. C. R. 208, 281) 1405, 1526, 1545
- *v. Metropolitan Elev. R. Co.* (147 N. Y. 367; 42 N. E. 181) 1776, 1966, 2040
- *v. Milwaukee* (18 Wis. 270) 1249, 2789
- *v. Pike County* (101 U. S. 688) 1420
- *v. Salem* (14 Allen [Mass.] 487) 345
- Fopper v. Wheatland* (59 Wis. 623; 18 N. W. 514) 2961
- Foppiano v. Speed* (199 U. S. 501) 2352
- Forbell v. New York City* (164 N. Y. 522; 58 N. E. 644; 51 L. R. A. 695; 79 Am. St. Rep. 666, aff'g 47 N. Y. App. Div. 371; 61 N. Y. Supp. 1005) 2308
- Forbes v. Detroit* (139 Mich. 280) 102 N. W. 740) 1788, 1790, 1878
- *v. Escambia County Board of Health* (28 Fla. 26; 9 So. 862; 13 L. R. A. 549) 2896
- *v. Ft. Scott* (7 Kan. App. 452; 53 Pac. 533) 1756, 1763
- *v. Grand County* (23 Colo. 344; 47 Pac. 388) 1292, 1313
- *v. Meridian* (86 Miss. 243; 38 So. 676) 618
- Forbes v. Suffield* (81 Conn. 274; 70 Atl. 1023) 2815, 2816, 2818
- Forbes Street* (70 Pa. 125) 1629
- Force v. Batavia* (61 Ill. 99) 583, 634, 641, 1480
- Forcheimer v. Mobile* (84 Ala. 126; 4 So. 112) 989
- Forcum v. Montezuma Dist.* (99 Iowa, 435; 68 N. W. 802) 825
- Ford, Matter of* (6 Lans. [N. Y.] 92) 2576, 2607
- *v. Breen* (173 Mass. 52; 53 N. E. 136) 675
- *v. Chicago & N. W. Co. R. Co.* (14 Wis. 609; 80 Am. Dec. 791) 1943, 1999, 2011
- *v. Clough* (8 Greenl. [Maine] 334) 76
- *v. Delta & P. L. Co.* (164 U. S. 662) 2443, 2445, 2502, 2572
- *v. Des Moines* (106 Iowa, 94; 75 N. W. 630) 2960
- *v. Harbor Com'rs* (81 Cal. 19; 22 Pac. 278) 733
- *v. Hart* (L. R. 9 C. P. 273) 637
- *v. Kendall School District* (121 Pa. 543; 15 Atl. 812; 1 L. R. A. 607) 2888, 2889
- *v. Livingston* (140 N. Y. 162; 35 N. E. 437) 2040
- *v. New York* (63 N. Y. 640) 1156
- *v. New York Central & H. R. R. Co.* (33 N. Y. App. Div. 474; 53 N. Y. Supp. 764) 1082
- *v. North Des Moines* (80 Iowa, 626; 45 N. W. 1031) 108, 616, 1632, 2525
- *v. Pye* (L. R. 9 C. P. 269) 637
- *v. Santa Cruz R. Co.* (59 Cal. 290) 1982, 2010
- *v. School Dist.* (121 Pa. 543; 15 Atl. 812) 67
- *v. Standard Oil Co.* (32 N. Y. App. Div. 596; 53 N. Y. Supp. 48) 929, 1081
- *v. Thralkill* (84 Ga. 169; 10 S. E. 600) 1104, 1106
- *v. Toledo* (64 Ohio St. 92; 59 N. E. 779) 2618, 2619
- *v. Williams* (13 N. Y. 577; 67 Am. Dec. 83) 1175
- Foreman v. Canterbury* (Law Rep. 6 Q. B. 214) 2901, 2902, 2978, 2994, 3011
- *v. Marianna* (43 Ark. 324) 612, 616, 1146
- Forget v. Montreal* (4 Montreal L. R. [Superior Ct.] 77) 2983
- Forney v. Calhoun County* (84 Ala. 215; 4 So. 153; s. c. 86 Ala. 463; 5 So. 750) 1695, 1697, 1707, 1747



[References are to pages]

- Forristal v. People (3 Ill. App. 470) 720  
 Forster v. Forster (4 B. & S. 187) 2708  
 — v. Scott (136 N. Y. 577; 32 N. E. 976; 18 L. R. A. 543) 1628  
 Forsyth v. Atlanta (45 Ga. 152) 2843  
 — v. Hammond (166 U. S. 506) 92, 93, 94, 108, 145, 2524  
 — v. Hammond (71 Fed. Rep. 443) 109  
 — v. Kreuter (100 Ind. 27) 2595  
 — v. Oswego (191 N. Y. 441; 84 N. E. 392, rev'g 114 N. Y. App. Div. 616; 99 N. Y. Supp. 1022) 2817, 2819  
 — v. Wheeling (19 W. Va. 318) 1895  
 Forsythe v. Hammond (68 Fed. Rep. 774) 108, 615  
 — v. Hammond (142 Ind. 505; 40 N. E. 267; 41 N. E. 950) 108, 616, 620  
 — v. Hooper (11 Allen [Mass.] 419) 3026  
 Fort v. Cummings (90 Hun [N. Y.] 481; 36 N. Y. Supp. 36) 309  
 — v. Howell (58 N. J. L. 541; 34 Atl. 751) 2668  
 — v. Thompson (49 Neb. 772; 69 N. W. 110) 2729  
 Fort Dodge v. Moore (37 Iowa, 388) 2432  
 Ft. Dodge Elect. L. & P. Co. v. Ft. Dodge (115 Iowa, 568; 89 N. W. 7) 368, 373, 378, 1252, 1254, 2526  
 Ft. Edward v. Fish (156 N. Y. 363; 50 N. E. 973, aff'g 86 Hun [N. Y.] 548; 33 N. Y. Supp. 784) 1185, 1399, 1400, 1401  
 Fort Edward & Ft. M. Pl. R. Co. v. Payne (17 Barb. [N. Y.] 567) 1793  
 Fortescue v. Kings County Lighting Co. (128 N. Y. App. Div. 826; 112 N. Y. Supp. 1010) 2216  
 Fortin v. East Hampton (145 Mass. 196; 13 N. E. 599) 3016  
 Ft. Leavenworth R. Co. v. Lowe (114 U. S. 525) 1603  
 Fort Madison v. Fort Madison Water Co. (114 Fed. Rep. 292, aff'g 110 Fed. Rep. 901) 372, 1390  
 Ft. Madison v. Moore (109 Iowa, 476; 80 N. W. 527) 1221  
 Fortner v. Duncan (91 Ky. 171; 15 S. W. 55; 11 L. R. A. 188) 972  
 Fort Pitt Gas Co. v. Sewickley (198 Pa. 201; 47 Atl. 957) 2075  
 Fort Scott v. Eads Brokerage Co. (117 Fed. Rep. 51) 449, 1192, 1399  
 — v. Pelton (39 Kan. 764; 18 Pac. 954) 2326  
 Fort Smith v. Ayers (43 Ark. 82) 996, 998, 1004  
 Fort Smith v. Dodson (46 Ark. 296; 55 Am. Rep. 589) 959  
 — v. Hunt (72 Ark. 556; 82 S. W. 163; 66 L. R. A. 238; 105 Am. St. Rep. 51) 1003, 1004, 2462  
 — v. McKibbin (41 Ark. 45; 48 Am. Rep. 19) 1561, 1711, 1898  
 — v. Scruggs (70 Ark. 549; 69 S. W. 679; 58 L. R. A. 921; 91 Am. St. Rep. 100) 986, 1770, 1850, 2373, 2469  
 Ft. Smith Bridge Co. v. Hawkins (54 Ark. 509; 16 S. W. 565; 12 L. R. A. 487) 2372, 2398  
 Ft. Smith School Dist. v. Board of Improvement (65 Ark. 343; 46 S. W. 418) 1585, 2446, 2578  
 — v. Howe (62 Ark. 481; 37 S. W. 717) 2434, 2445  
 Fortunato v. Patten (147 N. Y. 277; 41 N. E. 572) 1282  
 Fortune v. St. Louis (23 Mo. 539) 470  
 — v. Wilburton (142 Fed. Rep. 114; 4 L. R. A. N. s. 782) 977  
 Ft. Wayne v. Breese (123 Ind. 581; 23 N. E. 1038) 3001  
 — v. Cody (43 Ind. 197) 1820  
 — v. Coombs (107 Ind. 75; 7 N. E. 743) 1815, 1825, 3055, 3016  
 — v. De Witt (47 Ind. 391) 2993, 3016  
 — v. Duryee (9 Ind. App. 620; 37 N. E. 299) 3020  
 — v. Jackson (7 Blackf. [Ind.] 36) 611  
 — v. Lake Shore & M. S. R. Co. (132 Ind. 558; 32 N. E. 215; 18 L. R. A. 367; 32 Am. St. Rep. 277) 1148, 1582, 1585, 1613, 1614  
 — v. Lehr (88 Ind. 62) 1179  
 — v. Rosenthal (75 Ind. 156; 39 Am. Rep. 127) 1141, 1149  
 — v. Shoaff (106 Ind. 66; 5 N. E. 403) 2496  
 Fort Worth v. Crawford (64 Tex. 202; 53 Am. Rep. 75) 2847, 2900  
 — v. Crawford (74 Tex. 404; 12 S. W. 52; 15 Am. St. Rep. 840) 2900  
 — v. Davis (57 Tex. 225) 659, 2451  
 — v. Howard (3 Tex. Civ. App. 537; 22 S. W. 1059) 2928  
 — v. Johnson (84 Tex. 137; 19 S. W. 361) 3000  
 — v. Shero (16 Tex. Civ. App. 487; 41 S. W. 704) 3019  
 Fort Worth St. R. Co. v. Rosedale St. R. Co. (68 Tex. 169; 4 S. W. 534) 1977  
 Forty-Second Street M. & St. N. R. Co. v. Collis (24 N. Y. Misc. 321; 53 N. Y. Supp. 669) 2722

[References are to pages]

- Fosdick *v.* Hempstead (125 N. Y. 581; 26 N. E. 801; 11 L. R. A. 715) 1568, 1578  
 — *v.* Perrysburg (14 Ohio St. 472) 582, 583, 2456  
 Foss *v.* Chicago (56 Ill. 354) 2403, 2638  
 — *v.* Chicago (184 Ill. 436; 56 N. E. 1133) 2453  
 Fossett *v.* Bearce (29 Me. 523) 830, 878  
 Foster *v.* Alton (173 Ill. 587; 51 N. E. 76, aff'g 74 Ill. App. 511) 1253, 2453, 2637  
 — *v.* Bellaire (127 Mich. 13; 86 N. W. 383) 2817  
 — *v.* Boston Park Com'rs (131 Mass. 225) 880  
 — *v.* Boston Park Com'rs (133 Mass. 321) 1746  
 — *v.* Brown (55 Iowa, 686; 8 N. W. 654) 965, 973  
 — *v.* Callaway County (3 Dillon C. C. R. 200) 1517  
 — *v.* Cape May (60 N. J. L. 78; 36 Atl. 1089) 1145, 1147  
 — *v.* Chicago (197 Ill. 264; 64 N. E. 322) 2882  
 — *v.* Coleman (10 Cal. 278) 1287  
 — *v.* Davenport (22 How. [U. S.] 244) 513  
 — *v.* Fowler (60 Pa. St. 27) 141, 1587, 1588  
 — *v.* Hare (26 Tex. Civ. App. 177; 62 S. W. 541) 611  
 — *v.* Jones (79 Va. 642; 52 Am. Rep. 637) 728  
 — *v.* Kansas (112 U. S. 201) 556, 2745, 2751  
 — *v.* Kansas City (114 Mo. App. 728; 90 S. W. 751) 1728  
 — *v.* Kenosha (12 Wis. 616) 135, 194, 1405  
 — *v.* Lane (30 N. H. 305) 66  
 — *v.* Lookout Water Co. (3 Lea [Tenn.] 42) 2302, 2304  
 — *v.* McKibben (14 Pa. St. 168) 766  
 — *v.* Police Com'rs (102 Cal. 483; 37 Pac. 763; 41 Am. St. Rep. 194) 1016, 1020  
 — *v.* Rhoads (19 Johns. [N. Y.] 191) 964  
 — *v.* St. Louis (71 Mo. 157) 3049  
 — *v.* St. Louis (4 Mo. App. 564) 2926  
 — *v.* Scarf (15 Ohio, 535) 634  
 — *v.* Shaw (7 Serg. & Rawle [Pa.] 163) 631  
 — *v.* Stevens (63 Vt. 175; 22 Atl. 78) 2312  
 — *v.* Worcester (164 Mass. 419; 41 N. E. 654) 449  
 Foster Lumber Co. *v.* Arkansas Valley & W. R. Co. (20 Okla. 583; 95 Pac. 224) 2013  
 Fotherby *v.* Metrop. R. Co. (L. R. 2 C. P. C. 196) 1652  
 Foudry *v.* St. Louis, I. M. & S. R. Co. (130 Mo. App. 104; 109 S. W. 80) 2021  
 Fourth Av., *In re* (4 Wend. [N. Y.] 452) 2495  
 Fourth Nat. Bank *v.* Dallas ([Tex. Civ. App.], 73 S. W. 841) 419  
 Fowle *v.* Alexandria (3 Pet. [U. S.] 398; s. c. 3 Cranch C. C. 70) 444, 2840, 2843, 2857  
 Fowler, Matter of (53 N. Y. 60) 1641, 1814, 2615  
 — *v.* Athens City Water Works Co. (83 Ga. 219; 9 S. E. 673; 20 Am. St. Rep. 313) 2304  
 — *v.* Linquist (138 Ind. 566; 37 N. E. 133) 1716, 1730, 3001  
 — *v.* Pierce (2 Cal. 165) 2660, 2721  
 — *v.* St. Joseph (37 Mo. 228) 2790  
 — *v.* Strickland (107 Mass. 552) 1352  
 — *v.* Superior (85 Wis. 411; 54 N. W. 800) 352, 373, 437, 1391  
 Fox *v.* Chelsea (171 Mass. 297; 50 N. E. 622) 2135, 2880, 2912, 3001  
 — *v.* Cincinnati (104 U. S. 783) 1595, 1625  
 — *v.* Clarke (25 R. I. 515; 57 Atl. 305; 65 L. R. A. 234) 2972  
 — *v.* Glastenbury (29 Conn. 204) 3018  
 — *v.* Haight (31 N. J. L. 399) 2321  
 — *v.* Hale & N. S. Mining Co. (108 Cal. 369; 41 Pac. 308) 1150  
 — *v.* Hart (11 Ohio, 414) 1892  
 — *v.* Manchester (183 N. Y. 141; 75 N. E. 1116; 2 L. R. A. n. s. 474, rev'g 100 N. Y. App. Div. 512; 91 N. Y. Supp. 1094) 765, 766  
 — *v.* Middlesborough Town Co. (96 Ky. 262; 28 S. W. 776) 2602, 2608, 2609  
 — *v.* Mohawk & H. R. Humane Soc. (165 N. Y. 517; 59 N. E. 353; 51 L. R. A. 681; 82 Am. St. Rep. 767, aff'g 25 N. Y. App. Div. 26; 48 N. Y. Supp. 625) 1100, 1102  
 — *v.* Northern Liberties (3 Watts & S. [Pa.] 103) 2876  
 — *v.* Philadelphia (208 Pa. 127; 57 Atl. 356; 65 L. R. A. 214) 2871  
 — *v.* Rockford (38 Ill. 451) 1802, 2459  
 — *v.* Sackett (10 Allen [Mass.] 535; 87 Am. Dec. 682) 3018  
 — *v.* Seattle (43 Wash. 74; 86 Pac. 379; 117 Am. St. Rep. 1037) 430, 431, 655, 656, 662, 1384  
 — *v.* State (5 How. [U. S.] 410) 971

## TABLE OF CASES CITED

145

[References are to pages]

- Fox v. Trinidad Waterworks Co.** (7 Colo. App. 401; 43 Pac. 1051) 2725
- *v. Winona* (23 Minn. 10) 1886
- Fox Street, Matter of** (54 N. Y. App. Div. 479; 67 N. Y. Supp. 57) 1736, 1743, 1806
- Fox's Will** (52 N. Y. 530; s. c. 94 U. S. 315) 1568
- Foy v. Gardiner Water Dist.** (98 Me. 82; 56 Atl. 201) 655
- *v. Winston* (126 N. Car. 381; 35 S. E. 609) 2972, 3000, 3012, 3014
- *v. Winston* (135 N. Car. 439; 47 S. E. 466) 2960
- Frace v. Tacoma** (16 Wash. 69; 47 Pac. 219) 621, 2425
- Fragley v. Phelan** (126 Cal. 383; 58 Pac. 923) 116, 272, 278
- Frame v. Felix** (167 Pa. St. 47; 31 Atl. 375; 27 L. R. A. 802) 1197, 1216, 2764
- Francis v. Atchison T. & S. F. R. Co.** (19 Kan. 303) 2377, 2470
- *v. Cockrell* (L. R. 5 Q. B. 184) 516
- *v. Howard County* (13 U. S. App. 126; 54 Fed. Rep. 487; 50 Fed. Rep. 44) 385, 391, 419, 426
- *v. Troy* (74 N. Y. 338) 450, 1169, 1171
- Franey v. Miller** (11 Pa. St. 435) 1687
- Frank, Ex parte** (52 Cal. 606; 28 Am. Rep. 642) 451, 925, 929, 932, 941, 997, 2325, 2477
- *v. Butler County* (139 Fed. Rep. 119) 1372
- *v. San Francisco* (21 Cal. 668) 445, 2679
- *v. Warsaw* (198 N. Y. 463; 92 N. E. 17, aff'd 129 N. Y. App. Div. 936; 115 N. Y. Supp. 1121) 2970
- Frankford & Phila. Pass. R. Co. v. Philadelphia** (58 Pa. St. 119) 997, 999, 1979, 1980, 2061
- Frankford & S. P. C. P. R. Co. v. Philadelphia** (175 Pa. 120; 34 Atl. 577) 1711, 1714
- Frankford, etc. Safe Deposit Co. v. Jackson County** (98 Fed. Rep. 942) 1319
- Frankfort v. Allen** ([Ky.], 82 S. W. 279) 3022
- *v. Aughe* (114 Ind. 77; 15 N. E. 802) 981
- *v. Capital Gas & Elect. Lt. Co.* ([Ky.], 96 S. W. 870) 2176, 2294
- *v. Chinn* ([Ky.], 89 S. W. 188) 3020
- *v. Coleman* (19 Ind. App. 368; 49 N. E. 474; 65 Am. St. Rep. 412) 1798, 2975, 3001, 3014
- Frankfort v. Commonwealth** ([Ky.], 75 S. W. 217) 2842
- *v. Commonwealth* ([Ky.], 94 S. W. 648) 2436
- *v. Brawner* (100 Ky. 166; 37 S. W. 950; 38 S. W. 497) 734
- *v. Farmers' Bank of Kentucky* ([Ky.], 61 S. W. 458) 2455
- *v. Scott* (101 Ky. 615; 42 S. W. 104) 2427, 2429
- *v. Winterport* (54 Me. 250) 627
- Frankfort Bridge Co. v. Frankfort** (18 B. Mon. [Ky.] 41) 1184
- Frankfort Tel. Co. v. Frankfort** (125 Ky. 59; 100 S. W. 310) 1974
- Frankl v. Bailey** (31 Oreg. 285; 50 Pac. 186) 1294, 1296, 1317
- Franklin v. Fisk** (13 Allen [Mass.] 211; 90 Am. Dec. 194) 1809, 3041
- *v. Hancock* (204 Pa. 110; 53 Atl. 644) 2539, 2593, 2594
- *v. Harter* (127 Ind. 446; 26 N. E. 882) 2972, 3000
- *v. House* (104 Tenn. 1; 55 S. W. 153) 3013
- *v. Maberry* (6 Humph. [Tenn.] 368) 2504, 2563
- *v. Nutley Water Co.* (53 N. J. Eq. 601; 32 Atl. 381) 1942, 1943, 2141
- *v. Southeastern R. Co.* (3 H. & N. 211) 3005
- *v. Westfall* (27 Kan. 614) 1013
- Franklin's Estate** (150 Pa. 437; 24 Atl. 626) 1579
- Franklin Ave. Sav. Inst. v. Roscoe Board of Education** (75 Mo. 408) 1368
- Franklin County v. Gills** (96 Va. 330; 31 S. E. 507) 1596
- *v. Lathrop* (9 Kan. 453) 1688, 1752, 1760, 1792
- *v. Nashville, C. & St. L. R. Co.* (12 Lea [Tenn.] 521) 2419
- *v. Ottawa* (49 Kan. 747; 31 Pac. 788) 2483, 2578
- *v. Saunders* (96 Va. 335; 31 S. E. 1007) 1596
- Franklin Street** (14 Pa. Super. Ct. 403) 1651
- Franklin Tp. v. State** (11 Ind. 205) 2651
- Franklin Trust Co. v. Peninsular Pure Water Co.** (161 Fed. Rep. 855) 1992, 2160
- Franklin Wharf Co. v. Portland** (67 Me. 46; 24 Am. Rep. 1) 512, 1038, 1858, 2903, 3052
- Franks v. Holly Grove** ([Ark.], 124 S. W. 514) 2886
- Frantz v. Jacob** (88 Ky. 525; 11 S. W. 654) 2526, 2770
- Frasher v. Rader** (124 Cal. 132; 56 Pac. 797) 2795

[References are to pages]

- Frazee, In re* (63 Mich. 396; 30 N. W. 72; 6 Am. St. Rep. 310) 935, 936, 940, 952, 969
- Frazer v. Chicago* (186 Ill. 480; 57 N. E. 1055; 51 L. R. A. 306) 556, 1611
- Frazier v. Brown* (12 Ohio St. 294) 2307
- *v. East Tennessee Tel. Co.* (115 Tenn. 416; 90 S. W. 620; 3 L. R. A. N. s. 323; 112 Am. St. Rep. 856) 1930
- *v. Warfield* (13 Md. 279) 457, 1082
- Freburg v. Davenport* (63 Iowa, 119; 18 N. W. 705; 50 Am. Rep. 737) 3045
- Fred v. Kansas City C. R. Co.* (65 Mo. App. 121) 2926
- Frederick v. Augusta* (5 Ga. 561) 232, 582, 1103, 2406, 2786
- *v. Columbus* (58 Ohio St. 538; 51 N. E. 35) 2894
- *v. Groshon* (30 Md. 436; 96 Am. Dec. 591) 143, 2769
- *v. Lansdale* (156 Pa. 613; 27 Atl. 563) 3044
- *v. People* (83 Ill. App. 89) 1190, 1316
- *v. San Luis Obispo* (118 Cal. 391; 50 Pac. 661) 2709
- *v. Seattle* (13 Wash. 428; 43 Pac. 364) 2636, 2637, 2640, 2641
- Frederick County v. Winchester* (84 Va. 467; 4 S. E. 844) 1753
- Fredericktown v. Fox* (84 Mo. 59) 121
- Freedom v. Norris* (128 Ind. 377; 27 N. E. 869) 1699
- *v. Ward* (40 Me. 383) 1834
- Fredonia v. Rice* (115 Ky. 443; 73 S. W. 1125) 620
- Freel, Matter of* (148 N. Y. 165; 42 N. E. 586) 1241, 1242, 1314
- *v. Crawfordsville School City* (142 Ind. 27; 41 N. E. 312; 37 L. R. A. 301) 2888
- Freeland v. Hastings* (92 Mass. 570) 2314
- *v. Hastings* (10 Allen [Mass.] 570) 229, 232, 568, 579
- *v. Muscatine* (9 Iowa, 461) 2936
- *v. Stillman* (49 Kan. 197; 30 Pac. 235) 66
- Freeman v. Boston* (5 Met. [Mass.] 56) 550
- *v. Chanute* (63 Kan. 573; 66 Pac. 647) 1269
- *v. Huron* (10 S. Dak. 368; 73 N. W. 260) 1303, 1321
- *v. Macon G. L. & Water Co.* (126 Ga. 843; 56 S. E. 61; 7 L. R. A. N. s. 917) 2205, 2210
- *v. State* (119 Ind. 501; 21 N. E. 1101) 1112
- Freeport v. Bristol* (9 Pick. [Mass.] 46) 1633
- *v. Isbell* (83 Ill. 440; 25 Am. Rep. 407) 2963, 2976
- *v. Marks* (59 Pa. St. 253) 914, 918
- Freeport St. R. Co. v. Freeport* (151 Ill. 451; 38 N. E. 137) 2551, 2591, 2637
- Freeport Water Co. v. Freeport* (180 U. S. 587, aff'g 186 Ill. 179; 57 N. E. 862) 465, 2231, 2233, 2239, 2241, 2242, 2243, 2244
- Freiday v. Sioux City R. T. Co.* (92 Iowa, 191; 60 N. W. 656) 2029
- Fremont Building Assoc. v. Sherwin* (6 Neb. 48) 1365
- Fremont County v. Brandon* (6 Idaho, 482; 56 Pac. 264) 1888
- French v. Bankhead* (11 Gratt. [Va.] 136, 159) 489
- *v. Barber Asphalt Pav. Co.* (181 U. S. 324) 2496, 2497, 2502, 2520, 2521, 2522, 2523, 2525, 2527, 2532, 2533, 2534, 2535, 2537, 2539
- *v. Boston* (129 Mass. 592; 37 Am. Rep. 393) 2957
- *v. Brunswick* (21 Me. 29; 38 Am. Dec. 250) 2961, 2978
- *v. Burlington* (42 Iowa, 614) 346, 349, 351, 352, 354, 355, 357, 398, 1454
- *v. Cowan* (79 Me. 426; 10 Atl. 335) 2653, 2732
- *v. Donaldson* (57 N. Y. 496, aff'g 5 Lans. [N. Y.] 293) 767
- *v. Edwards* (13 Wall. [U. S.] 511) 830
- *v. Millville* (66 N. J. L. 392; 49 Atl. 465, aff'd 67 N. J. L. 349; 51 Atl. 1109) 1558
- *v. Milwaukee* (49 Wis. 584; 6 N. W. 244) 2931
- *v. New Orleans & C. R. Co.* (2 La. An. 80) 1756
- *v. Powell* (135 Cal. 636; 68 Pac. 92) 1271, 1277
- *v. Quincy* (3 Allen [Mass.] 9) 553, 1564, 1569, 1595, 1763
- *v. Senate* (146 Cal. 604; 80 Pac. 1031; 69 L. R. A. 556) 792, 2725
- *v. Springwells H. Com'rs* (12 Mich. 267) 1655
- *v. State* (42 Tex. Crim. Rep. 222; 58 S. W. 1015; 52 L. R. A. 160) 2323
- *v. Teschemaker* (24 Cal. 518) 262, 581
- Frend v. Dennett* (4 C. B. N. s. 576) 1031, 1170
- Frenna v. Sunnyside Land Co.* (124 Cal. 437; 57 Pac. 302) 2454
- Freshour v. Hihn* (99 Cal. 443; 34 Pac. 87) 1712

## TABLE OF CASES CITED

147

[References are to pages]

- Fresno Canal & Irrig. Co. v. McKenzie* (135 Cal. 497; 67 Pac. 900) 412, 417  
 — *v. Park* (129 Cal. 437; 62 Pac. 87) 2225  
*Fretwell v. Troy* (18 Kan. 271) 961, 2378, 2463, 2464, 2468  
*Freud v. Saginaw Circuit Judge* (125 Mich. 670; 85 N. W. 193) 2652  
*Frevert v. Bayonne* (63 N. J. L. 202; 42 Atl. 773) 2616  
*Frewin v. Lewis* (4 Mylne & Cr. 249) 2756, 2783, 2784  
*Frick v. Brinkley* (61 Ark. 397; 61 S. W. 397) 1150  
 — *v. Kansas City* (117 Mo. App. 488; 93 S. W. 351) 1862, 1863  
 — *v. Los Angeles* (115 Cal. 512; 47 Pac. 250) 1169  
*Friday v. Floyd* (63 Ill. 50) 567, 960  
 — *v. Moorhead* (84 Minn. 273; 87 N. W. 780) 3001  
*Fridman v. Norwood* (15 Ohio Cir. Dec. 258, aff'd 70 Ohio St. 431; 72 N. E. 1166) 2538  
*Friedman v. Snare & Triest Co.* (71 N. J. L. 605; 61 Atl. 401; 70 L. R. A. 147; 108 Am. St. Rep. 764) 1862, 3029  
*Friedrich v. Milwaukee* (114 Wis. 304; 90 N. W. 174) 2538, 2543  
*Friel, Matter of* (101 N. Y. App. Div. 155; 91 N. Y. Supp. 454, aff'd 181 N. Y. 558; 74 N. E. 1117) 755, 759  
 — *v. McAdoo* (181 N. Y. 558; 74 N. E. 1117) 2657  
 — *v. McAdoo* (101 N. Y. App. Div. 155; 91 N. Y. Supp. 454) 2657  
*Frisbie v. Clarksville* (78 Ind. 269) 2673  
 — *v. United States* (157 U. S. 160) 206, 757  
*Fritch v. Salt Lake County* (15 Utah, 83; 47 Pac. 1026) 411, 414, 416  
*Frith v. Dubuque* (45 Iowa, 406) 1998  
*Fritsch v. Allegheny* (91 Pa. 226) 2961, 2977, 2994  
*Fritts v. Charles* (145 Cal. 512; 78 Pac. 1057) 2709  
*Fritz, Ex parte* (86 Miss. 210; 38 So. 722; 109 Am. St. Rep. 700) 318  
 — *v. Hobson* (19 Am. Law Reg. 615) 1037  
 — *v. Hobson* (L. R. 14 Ch. Div. 542) 1772, 1836, 1859, 2047  
 — *v. San Francisco* (132 Cal. 373; 64 Pac. 566) 431, 654, 662  
*Frolickstein v. Mobile* (40 Ala. 725) 1095  
*Frommer v. Richmond* (31 Gratt. [Va.] 646; 31 Am. Rep. 746) 1000, 1850, 1854  
*Frorer v. People* (141 Ill. 171; 31 N. E. 395; 16 L. R. A. 492) 205  
*Frosh v. Galveston* (73 Tex. 401; 11 S. W. 402) 2631  
*Frost v. Belmont* (6 Allen [Mass.] 152) 2758, 2774  
 — *v. Cherry* (122 Pa. 417; 15 Atl. 782) 292, 326  
 — *v. Chester* (5 E. & B. 531) 720, 2667  
 — *v. Chicago* (178 Ill. 250; 52 N. E. 869; 49 L. R. A. 657; 69 Am. St. Rep. 301) 1009  
 — *v. Josselyn* (180 Mass. 389; 62 N. E. 469) 2983  
 — *v. Leatherman* (55 Mich. 33; 20 N. W. 705) 2451  
 — *v. Pfeiffer* (26 Colo. 338; 58 Pac. 147) 288, 627  
 — *v. Waltham* (12 Allen [Mass.] 85) 2972, 3003, 3018  
*Frostburg v. Wineland* (98 Md. 239; 56 Atl. 811; 64 L. R. A. 627) 1038, 1097  
*Fruin-Bambrick Const. Co. v. St. Louis Shovel Co.* (211 Mo. 524; 111 S. W. 86) 2386, 2503, 2527  
*Frush v. East Portland* (6 Oreg. 281) 1252  
*Fry, In re* (3 Mackey [D. C.] 135) 1134  
 — *v. Albemarle County* (86 Va. 195; 19 Am. St. Rep. 879) 2858  
 — *v. Booth* (19 Ohio St. 25) 644  
 — *v. Montgomery County* (82 N. Car. 304) 2679  
*Fry's Election* (71 Pa. St. 302; 10 Am. Rep. 698) 637  
*Fryer v. Norton* (67 N. J. L. 537; 52 Atl. 476) 723, 726  
*Fulbright v. Perry County* (145 Mo. 432; 46 S. W. 955) 1568  
*Fullam v. Brookfield* (9 Allen [Mass.] 1) 1175, 1177  
*Fuller, In re* (25 Ark. 261) 2708  
 — *v. Atlanta* (66 Ga. 80) 2920, 2925  
 — *v. Attorney-General* (98 Mich. 96; 57 N. W. 33) 785, 814  
 — *v. Chicago* (89 Ill. 282) 356  
 — *v. Edings* (11 Rich. [S. Car.] Law, 239) 476  
 — *v. Grand Rapids* (105 Mich. 529; 63 N. W. 530) 3026  
 — *v. Groton* (14 Gray [Mass.] 340) 564  
 — *v. Heath* (89 Ill. 296) 354, 367, 368  
 — *v. Jackson* (82 Mich. 480; 46 N. W. 721) 2985  
 — *v. Mt. Vernon* (171 N. Y. 247; 63 N. E. 964, aff'g 64 N. Y. App. Div. 621; 72 N. Y. Supp. 1103) 1822, 1824, 2923



[References are to pages]

- Fuller v. Mower (81 Me. 380; 17 Atl. 312) 777  
 Fullerton v. Des Moines ([Iowa], 115 N. W. 607) 2767  
 Fulliam v. Muscatine (70 Iowa, 436; 30 N. W. 861) 2974, 2991, 3003  
 Fulton v. Davenport (17 Iowa, 404) 2429  
 — v. Dover (8 Houst. [Del.] 78; 6 Atl. 633; 12 Atl. 394; 31 Atl. 974) 1723  
 — v. Lincoln (9 Neb. 358; 2 N. W. 724) 450, 1169, 1210, 1219, 2452  
 — v. Mehrenfield (8 Ohio St. 440) 1687, 1689, 1690, 1732, 1793  
 — v. Norteman (60 W. Va. 562; 55 S. E. 658; 9 L. R. A. N. s. 602) 934, 1009, 1030  
 — v. Riverton (42 Minn. 395; 44 N. W. 257) 1464  
 — v. Short Route R. T. Co. (85 Ky. 640; 4 S. W. 332; 7 Am. St. Rep. 619) 1993, 1995  
 Fulton County v. Mississippi & Wab. R. Co. (21 Ill. 338) 584  
 Fulton Fire Ins. Co. v. Baldwin (37 N. Y. 648, 649) 767, 768, 770  
 Fulton Iron & E. Works v. Kimball (52 Mich. 146; 17 N. W. 733) 1833  
 Fulweiler v. St. Louis (61 Mo. 479) 1124  
 Funk v. State (166 Ind. 455; 77 N. E. 854) 1310, 2707  
 Funke v. St. Louis (122 Mo. 132; 26 S. W. 1034) 2838, 2840, 2866  
 Furbish v. Kennebec County (93 Me. 117; 44 Atl. 364) 2676  
 Furgerson v. Staples (82 Me. 159; 19 Atl. 158; 17 Am. St. Rep. 470) 1300, 1302  
 Furlong v. Thomssen (19 Mo. App. 364) 470  
 Furman Street, *In re* (17 Wend. [N. Y.] 649) 613, 1628, 1629, 1630, 1673, 1677, 1718, 1820  
 Furman v. Knapp (19 Johns. [N. Y.] 248) 2457  
 — v. New York (5 Sandf. [N. Y.] 16; s. c. 10 N. Y. 567) 189, 475, 513  
 — v. Nichol (8 Wall. [U. S.] 44) 193  
 Furnell v. Cotes (19 Ohio St. 405) 1649  
 — v. St. Paul (20 Minn. 117) 2983, 2993, 2998, 3015, 3016, 3019  
 Fyfe v. Turtle Creek (22 Pa. Super. Ct. 292) 2932  
 Fylpaa v. Brown County (6 S. Dak. 634; 62 N. W. 962) 747  
 Gabel v. Houston (29 Tex. 335) 1018  
 Gable v. Altoona (200 Pa. 15; 49 Atl. 367) 368, 373, 1395  
 — v. Toledo (16 Ohio Cir. Ct. R. 515) 2965  
 Gabler v. Elizabeth (42 N. J. L. 79) 2512, 2679  
 Gabriel v. Clerke (Cro. Eliz. 76) 725, 726  
 Gachet v. McCall (50 Ala. 307) 2832  
 Gaddis v. Richland County (92 Ill. 119) 580, 584, 2388  
 Gadsden v. Mitchell (145 Ala. 137; 40 So. 557; 6 L. R. A. N. s. 781; 117 Am. St. Rep. 20) 2109, 2113, 2130, 2134, 2152, 2153, 2167  
 Gaedeke v. Staten Island M. R. Co. (43 N. Y. App. Div. 514; 60 N. Y. Supp. 598) 1958  
 Gaetjens v. New York (132 N. Y. App. Div. 394; 116 N. Y. Supp. 759) 2894  
 Gaffney v. Gough (36 Cal. 104) 2488, 2594  
 Gafney v. San Francisco (72 Cal. 146; 13 Pac. 467) 1821  
 Gage v. Chicago (162 Ill. 313; 44 N. E. 729) 948  
 — v. Chicago (179 Ill. 392; 53 N. E. 742) 2453  
 — v. Chicago (191 Ill. 210; 60 N. E. 896) 2614  
 — v. Chicago (195 Ill. 490; 63 N. E. 184) 2614, 2623  
 — v. Chicago (196 Ill. 512; 63 N. E. 1031) 2453, 2609  
 — v. Chicago (203 Ill. 26; 67 N. E. 477) 2453  
 — v. Chicago (216 Ill. 107; 74 N. E. 726) 1388, 2622, 2624  
 — v. Chicago (225 Ill. 218; 80 N. E. 127) 989, 2595  
 — v. Graham (57 Ill. 144) 2388, 2389  
 — v. Mobile & O. R. Co. (84 Ala. 224; 4 So. 415) 1705, 1708, 1714, 1724  
 — v. New York City (110 N. Y. App. Div. 403; 97 N. Y. Supp. 157) 1212, 2778  
 — v. People (188 Ill. 92; 58 N. E. 947) 2453  
 — v. People (193 Ill. 316; 61 N. E. 1045; 56 L. R. A. 916) 2630  
 — v. People (207 Ill. 61; 69 N. E. 635) 1217, 2454  
 — v. People (213 Ill. 410; 72 N. E. 1084) 2625  
 — v. Pittsfield (120 Mich. 436; 79 N. W. 687) 1617  
 — v. Saginaw (128 Mich. 682; 84 N. W. 1100; 87 N. W. 1027) 2829, 2830



[References are to pages]

- Gage v. Springer* (211 Ill. 200; 71 N. E. 860; 103 Am. St. Rep. 191) 769, 771
- Gager v. Chippewa County* (47 Mich. 167; 10 N. W. 186) 2793
- *v. Prout* (48 Ohio St. 89; 26 N. E. 1013) 2443
- Gagnier v. Fargo* (11 N. Dak. 73; 88 N. W. 1030; 95 Am. St. Rep. 705) 1084, 2998
- Gagnon v. French Lick Springs Hotel Co.* (163 Ind. 687; 72 N. E. 849; 68 L. R. A. 175) 2308
- Gahagan v. Boston & L. R. Co.* (1 Allen [Mass.] 187; 79 Am. Dec. 724) 2068
- Gaines, Ex parte* (56 Ark. 227; 19 S. W. 602) 2322
- Gainesville, H. & W. R. Co. v. Hall* (78 Tex. 169; 14 S. W. 259; 9 L. R. A. 298; 22 Am. St. Rep. 42) 2014, 2028
- Gaither v. Green* (40 La. An. 362; 4 So. 210) 882
- Galbraith v. Littiech* (73 Ill. 209) 881
- *v. McFarland* (3 Coldwell [Tenn.] 267; 91 Am. Dec. 281) 1370
- *v. Yates* (79 Minn. 436; 82 N. W. 683) 3045
- Galbreath v. Armour* (4 Bell App. Cas. 374) 1915, 1977
- *v. Moberly* (80 Mo. 484) 733
- Gale v. Kalamazoo* (23 Mich. 344; 9 Am. Rep. 80) 462, 464, 1009, 1010, 1074, 1076, 1174, 2843
- *v. Mead* (2 Denio [N.Y.] 160) 774
- *v. South Berwick* (51 Me. 174) 551
- Galena v. Amy* (5 Wall. [U.S.] 705) 193, 1403, 2674, 2679, 2680, 2686, 2688, 2692
- *v. Corwith* (48 Ill. 423) 548, 1139, 1327, 1338, 1494, 1495
- *v. Galena Water Co.* (229 Ill. 128; 82 N. E. 421, aff'g 132 Ill. App. 332) 2304
- Galena Water Co. v. Galena* (74 Kan. 644; 87 Pac. 735) 2190, 2193
- Galesburg v. Hawkinson* (75 Ill. 152) 61, 109, 612, 616
- *v. Higley* (61 Ill. 287) 3024
- *v. Searles* (114 Ill. 217; 29 N. E. 686) 2549, 2617
- Gall v. Cincinnati* (18 Ohio St. 563) 1073, 1074, 1705, 1820
- Gallagher v. Equitable Gas Light Co.* (141 Cal. 699; 75 Pac. 329) 2209, 2211
- *v. Johnson* (1 Ohio Dec. 264) 2772
- *v. Keating* (40 N. Y. App. Div. 81; 57 N. Y. Supp. 632) 1123, 2781
- *v. New York* (115 N. Y. App. Div. 662; 101 N. Y. Supp. 229) 697
- Gallagher v. St. Paul* (28 Fed. Rep. 305) 2975
- Gallaher v. Head* (72 Iowa, 175; 33 N. W. 620) 1798
- *v. Jefferson* (125 Iowa, 324; 101 N. W. 124) 1097, 1098, 1820
- Gallamore v. Olympia* (34 Wash. 379; 75 Pac. 978) 2814, 2972
- Gallatin v. Tarwater* (143 Mo. 40; 44 S. W. 750) 977, 981, 1109
- Gallia County v. Holcomb* (7 Ohio, Pt. I, 232) 451, 1834
- Galliard v. Laxton* (2 B. & S. 363) 676
- Galloso v. Sikeston* (124 Mo. App. 380; 101 S. W. 715) 1870
- Galloway v. Chatham R. Co.* (63 N. Car. 147) 2787
- *v. Corbitt* (52 Mich. 460; 18 N. W. 218) 2799
- *v. London* (L. R. 1 H. L. 34) 1561, 2753
- Gallup v. Schmidt* (183 U. S. 300) 2369
- *v. Schmidt* (154 Ind. 196; 56 N. E. 443) 2364
- *v. Tracy* (25 Conn. 60) 849
- Galt v. Chicago* (174 Ill. 605; 51 N. E. 653) 2548, 2581
- *v. Chicago & N. W. R. Co.* (157 Ill. 125; 41 N. E. 643) 2018
- Galusha v. Wendt* (114 Iowa, 597; 87 N. W. 512) 2441, 2442, 2443
- Galveston v. Barbour* (62 Tex. 172; 50 Am. Rep. 519) 2866, 3004, 3015
- *v. Brown* ([Tex. Civ. App.], 67 S. W. 156) 2874, 2877
- *v. Guaranty Trust Co.* (107 Fed. Rep. 325) 2480, 2481, 2576
- *v. Heard* (54 Tex. 420) 368, 2493, 2563, 2594, 2627, 2635
- *v. Hutches* ([Tex. Civ. App.], 76 S. W. 214) 664
- *v. Loonie* (54 Tex. 517) 1139, 1398, 2563
- *v. Menard* (23 Tex. 349) 488, 513, 1892, 1900
- *v. Morton* (58 Tex. 409) 893, 894, 1190
- *v. Posnainsky* (62 Tex. 118) 2865, 2866, 2954, 2957
- *v. Reagan* ([Tex. Civ. App.], 43 S. W. 48) 2960
- *v. Williams* (69 Tex. 449; 6 S. W. 860) 1718
- Galveston, &c. R. Co. v. White* ([Tex. Civ. App.], 32 S. W. 187) 3034
- Galveston & W. R. Co. v. Galveston* (90 Tex. 398; 39 S. W. 96; s. c. 91 Tex. 17; 39 S. W. 920) 1954, 1962
- Galveston City Co. v. Galveston* (56 Tex. 486) 2829, 2830
- Galveston City S. B. Co. v. Heidenheimer* (63 Tex. 559) 488

## TABLE OF CASES CITED

[References are to pages]

- Galveston County *v.* Galveston Gas Co. (72 Tex. 509; 10 S. W. 583) 1321
- Galveston, H. & S. A. R. Co. *v.* Texas (210 U. S. 217, rev'g 100 Tex. 153; 97 S. W. 71) 2331, 2332, 2333, 2338, 2339
- Galveston R. Co *v.* Fuller (63 Tex. 467) 2927
- Galveston Wharf Co. *v.* Galveston (63 Tex. 14) 478, 488, 2431
- Galvin *v.* Palmer (113 Cal. 46; 45 Pac. 172) 1597
- Galway *v.* Metropolitan Elev. R. Co. (128 N. Y. 132; 13 L. R. A. 788; 28 N. E. 479) 1791, 2049
- Galway County *v.* Stimson (4 Hill [N. Y.] 136) 762
- Gambill *v.* Erdrich (143 Ala. 506; 39 So. 297) 449
- Gamble *v.* Montgomery (147 Ala. 682; 39 So. 353) 2468
- *v.* Rural Independent Dist. (132 Fed. Rep. 514) 1350, 1462, 1475, 1476, 1503, 1505
- *v.* Rural Ind. School Dist. (146 Fed. Rep. 113) 1475, 1476
- *v.* St. Louis (12 Mo. 617) 1713
- Gamewell Fire Alarm Telegraph Co. *v.* La Porte (102 Fed. Rep. 417, aff'g 96 Fed. Rep. 104) 346, 408
- Gannaway *v.* Barricklow (203 Ill. 410; 67 N. E. 825) 2831
- Gannon *v.* Hargadon (10 Allen [Mass.] 106; 87 Am. Dec. 625) 3041
- Gano *v.* State (10 Ohio St. 237) 2745
- Ganz *v.* Ohio Postal Tel. Cable Co. (140 Fed. Rep. 692) 1924, 1928
- Garbanati *v.* Durango (30 Colo. 358; 70 Pac. 686) 2972
- Garden City *v.* Abbott (34 Kan. 283; 8 Pac. 473) 923
- *v.* Trigg (57 Kan. 632; 47 Pac. 524) 1251
- Gardiner *v.* Boston & W. R. Co. (9 Cush. [Mass.] 1) 2064
- Gardiner Cotton & W. F. Co. *v.* Gardiner (5 Me. 133) 2408
- Gardner *v.* Boston (106 Mass. 549) 2611
- *v.* Brookline (127 Mass. 358) 1674, 1675
- *v.* Haney (86 Ind. 17) 1325, 1524
- *v.* Michigan (199 U. S. 325, aff'g 136 Mich. 693) 1023, 1024, 1025
- *v.* Newburgh (2 Johns. [N. Y.] Ch. 162; 7 Am. Dec. 526) 1633, 1639, 1657, 3037
- *v.* New London (63 Conn. 267; 28 Atl. 42) 2815, 2820
- *v.* Ogden (22 N. Y. 327) 1141
- Gardner *v.* St. Joseph (96 Mo. App. 657; 71 S. W. 63) 2868
- *v.* State (80 Ark. 264; 97 S. W. 48) 979
- *v.* State (77 Kan. 742; 95 Pac. 588) 2737
- *v.* State (21 N. J. L. 557) 2422, 2458
- *v.* Templeton St. R. Co. (184 Mass. 294; 68 N. E. 340) 2650
- Gardner Water Co. *v.* Gardner (185 Mass. 190; 69 N. E. 1051) 2196
- Garfield Township *v.* Crocker (63 Kan. 272; 65 Pac. 273) 1295
- Garfield Tp. *v.* Dodsworth Book Co. (9 Kan. App. 752; 58 Pac. 565) 440, 441
- Garfield Township *v.* Herman (66 Kan. 256; 71 Pac. 517) 1563
- Garfinkle, *In re* (37 Wash. 650; 80 Pac. 188) 2464, 2465, 2470
- Gargan *v.* Louisville, N. A. & C. R. Co. (89 Ky. 212; 12 S. W. 259; 6 L. R. A. 340) 1837
- Garibaldi *v.* O'Connor (210 Ill. 284; 71 N. E. 379; 66 L. R. A. 73) 3012
- Garitee *v.* Baltimore (53 Md. 422) 485
- Garland *v.* Towne (55 N. H. 55; 20 Am. Rep. 164) 1877, 1880, 2969, 2988
- Garland Chain Co. *v.* Rankin (226 Pa. 389; 75 Atl. 607) 3057
- Garlinghouse *v.* Jacobs (29 N. Y. 297) 770
- Garms *v.* People (108 Ill. App. 631) 2728, 2734
- Garnett *v.* Hamilton (69 Kan. 866; 77 Pac. 583) 3001, 3014
- *v.* Jacksonville St. A. & H. Ry. Co. (20 Fla. 889) 1790
- *v.* Slater (56 Mo. App. 207) 2975
- Garnier *v.* St. Louis (37 Mo. 554) 731
- Garratt *v.* Canandaigua (16 N. Y. Supp. 717; s. c. 61 Hun, 623) 3048
- Garrett *v.* Janes (65 Md. 260; 3 Atl. 597) 1883
- *v.* Lake Roland El. R. Co. (79 Md. 277; 24 L. R. A. 396; 29 Atl. 830) 1663
- *v.* Memphis (5 Fed. Rep. 860) 597
- *v.* St. Louis (25 Mo. 505) 1666, 2386, 2503, 2565, 2573
- *v.* State (49 N. J. L. 94; 7 Atl. 29; 60 Am. Rep. 592) 1043
- *v.* Winterich ([Ind. App.], 84 N. E. 1006) 3052
- *v.* Winterich ([Ind. App.], 87 N. E. 161) 3050, 3055
- Garrigus *v.* Park County (39 Ind. 66) 585

[References are to pages]

- Garrison v. Atlanta* (68 Ga. 64) 990  
 — *v. Borio* (61 N. J. Eq. 236; 47 Atl. 1060) 1274, 1275, 1276  
 — *v. Chicago* (7 Biss. [U. S.] 480) 459, 548, 1178, 2131, 2149  
 — *v. Hall* (75 Va. 150) 489  
 — *v. New York* (21 Wall. [U. S.] 196) 1652, 1653, 1654, 1655  
*Garrity v. Detroit Citizens' St. R. Co.* (112 Mich. 369; 70 N. W. 1018; 37 L. R. A. 529) 1853  
*Garside v. Cohoes* (12 N. Y. Supp. 192) 788, 836  
*Garske v. Ridgeville* (123 Wis. 503; 102 N. W. 122) 765  
*Gartland v. New York Zoological Society* (135 N. Y. App. Div. 163; 120 N. Y. Supp. 24) 2893  
*Gartley v. People* (24 Colo. 155; 49 Pac. 272) 764  
*Gartner v. Detroit* (131 Mich. 21; 90 N. W. 690) 1227  
*Gartside v. East St. Louis* (43 Ill. 47) 1850, 1854, 1855, 2749  
*Garvey, In re* (77 N. Y. 523) 450, 1169, 2579, 2582, 2596  
 — *v. Harbison W. R. Co.* (213 Pa. 177; 62 Atl. 778) 1738  
*Garvie v. Hartford* (54 Conn. 440; 7 Atl. 723) 175, 729  
*Garvin v. Dausmann* (114 Ind. 429; 16 N. E. 826; 5 Am. St. Rep. 637) 2363, 2364, 2365, 2369  
 — *v. Wells* (8 Iowa, 286) 979  
 — *v. Wiswell* (83 Ill. 215) 1300  
*Garza, Ex parte* (28 Tex. App. 381; 13 S. W. 779) 1004  
*Gas & Water Co. v. Downingtown* (175 Pa. 341; 34 Atl. 799) 2151  
 — *v. Downingtown* (193 Pa. St. 255; 44 Atl. 282) 2177, 2178  
*Gasaway v. Seattle* (52 Wash. 444; 100 Pac. 991; 21 L. R. A. N. s. 68) 2403  
*Gas Co. v. San Francisco* (9 Cal. 453) 183  
*Gaskel v. Bayley* (30 L. T. N. s. 516) 1053  
*Gaskell v. Beard* (58 Hun [N. Y.] 101; 11 N. Y. Supp. 399) 1274  
*Gaskill v. Dudley* (6 Met. [Mass.] 546; 39 Am. Dec. 750) 2674, 2855  
*Gaskins v. Atlanta* (73 Ga. 746) 2976  
*Gaskin's Case* (8 T. R. 209) 792  
*Gas Light & Coke Co. v. Columbus* (50 Ohio St. 65; 33 N. E. 292) 464  
 — *v. New Albany* (156 Ind. 406; 59 N. E. 176) 2156, 2299  
*Gas Light Co. v. Colliday* (25 Md. 1) 2205, 2210, 2215, 2220  
*Gass v. Greenville* (4 Sneed [Tenn.] 62) 1082  
 — *v. State* (34 Ind. 425) 642, 649  
*Gassenheimer v. District of Columbia* (25 App. D. C. 179) 1860, 1861, 1862  
*Gassett v. Andover* (25 Vt. 342) 1184  
*Gastenau v. Commonwealth* (108 Ky. 473; 56 S. W. 705; 49 L. R. A. 111; 94 Am. St. Rep. 386) 925, 1020  
*Gaston v. Babcock* (6 Wis. 503) 1133  
 — *v. O'Neal* (145 Ala. 484; 41 So. 742) 2469  
 — *v. Portland* (48 Oreg. 82; 84 Pac. 1040) 2640  
*Gastonia v. McEntee-Peterson Eng. Co.* (131 N. Car. 363; 42 S. E. 858) 1266, 1267  
*Gatch v. Des Moines* (63 Iowa, 718; 18 N. W. 310) 2363, 2365, 2525, 2562, 2617  
*Gate City v. Richmond* (97 Va. 337; 33 S. E. 615) 1704, 1709  
*Gately v. Leviston* (63 Cal. 365) 2595  
*Gates v. Delaware County* (12 Iowa, 405) 723, 724  
 — *v. Grand Rapids* (134 Mich. 96; 95 N. W. 998) 1816, 2602  
 — *v. Hancock* (45 N. H. 528) 1195  
 — *v. Richmond* (103 Va. 702; 49 S. E. 965) 1857, 1861  
 — *v. Young* (82 Wis. 272; 52 N. W. 178) 767  
*Gathman v. Chicago* (236 Ill. 9; 86 N. E. 152) 2868  
*Gatlin v. Tarboro* (78 N. Car. 119) 2471, 2472  
*Gatling v. Carteret County* (92 N. Car. 536; 53 Am. Rep. 432) 2479  
*Gaulbert v. Louisville* ([Ky.], 97 S. W. 342) 380, 1504  
*Gault v. Glen Ellyn* (226 Ill. 520; 80 N. E. 1046) 2556  
 — *v. Wallis* (53 Ga. 675) 990  
*Gault's Appeal* (34 Pa. 95) 2488  
*Gaunt v. Fynney* (L. R. 8 Ch. App. 8) 1036  
*Gause v. Clarksville* (5 Dill. C. C. R. 165) 539, 541, 542, 543, 1547, 2810, 2824  
 — *v. Clarksville* (1 Fed. Rep. 353) 1524  
*Gaus Mfg. Co. v. St. Louis, K. & N. W. R. Co.* (113 Mo. 308; 20 S. W. 658; 35 Am. St. Rep. 706) 2007, 2020, 2021  
*Gavin v. Atlanta* (86 Ga. 132; 12 S. E. 262) 431, 657  
 — *v. Chicago* (97 Ill. 66; 37 Am. Rep. 99) 2998  
*Gaw v. Ashley* (195 Mass. 173; 80 N. E. 790) 1143  
*Gay v. Bradstreet* (39 Me. 580) 1655  
 — *v. Cadby* (L. R. 2 C. P. Div. 391) 559, 1024

[References are to pages]

- Gay *v.* Cambridge (128 Mass. 387) 2815  
 — *v.* Haggard (133 Ky. 425; 118 S. W. 299) 2708  
 — *v.* Mutual Union Tel. Co. (12 Mo. App. 485) 1930  
 — *v.* Thomas (5 Okla. 1; 46 Pac. 578) 331  
 Gayle *v.* Owen County (83 Ky. 61) 2664  
 Gaylord *v.* Chicago Sanitary Dist. (204 Ill. 576; 68 N. E. 522; 63 L. R. A. 582; 98 Am. St. Rep. 235) 2126  
 Gearhart *v.* Dixon (1 Pa. St. 224) 883, 888, 2451  
 Gearty *v.* New York (171 N. Y. 61; 63 N. E. 804, rev'g 62 N. Y. App. Div. 72; 70 N. Y. Supp. 942) 1231, 1243  
 Geary *v.* Metropolitan St. R. Co. (84 N. Y. App. Div. 514; 82 N. Y. Supp. 1016, aff'd 177 N. Y. 535; 69 N. E. 1123) 1853  
 Geary County *v.* Missouri, K. & T. R. Co. (62 Kan. 168; 61 Pac. 693) 2378  
 Gebhardt *v.* Reeves (75 Ill. 301) 1687, 1699, 1700, 1845  
 Geddis *v.* Bann Reservoir (L. R. 3 App. Cases, 455) 2918  
 Gedge *v.* Commonwealth (9 Bush [Ky.] 61) 1726, 1727, 1728  
 Gee *v.* Lancashire & Y. Ry. Co. (6 H. & N. 211) 3005  
 — *v.* Metropolitan R. Co. (L. R. 8 Q. B. 177) 2971, 3018  
 — *v.* Wilden (Lutw. 1320) 974  
 Geebrick *v.* State (5 Iowa, 491) 293  
 Geer *v.* Connecticut (161 U. S. 519) 2108  
 — *v.* Ouray County Bd. of Com'rs (97 Fed. Rep. 435) 395, 406, 1496, 1503  
 — *v.* Ouray County School District (97 Fed. Rep. 732) 1455, 1458, 1461, 1492  
 — *v.* Ouray County School Dist. (111 Fed. Rep. 682) 1547, 1551  
 Geiger *v.* Filor (8 Fla. 325) 476, 1933, 1972  
 Geissinger *v.* Hellertown (133 Pa. 522; 19 Atl. 412) 1678  
 Geist's Appeal (104 Pa. 351) 1278, 1279  
 Gelpcke *v.* Dubuque (1 Wall. [U. S.] 175) 545, 570, 582, 597, 1325, 1350, 1397, 1398, 1402, 1404, 1408, 1413, 1420, 1435, 1437, 1438, 1472, 1524, 1535  
 General Electric R. Co. *v.* Chicago & W. I. R. Co. (184 Ill. 588; 56 N. E. 963, rev'g 84 Ill. App. 640) 2006, 2017, 2019  
 General Electric R. Co. *v.* Chicago, I. & L. R. Co. (98 Fed. Rep. 907; s. c. 107 Fed. Rep. 771; 58 L. R. A. 231) 2019  
 General Oil Co. *v.* Crain (209 U. S. 211, aff'g 117 Tenn. 82; 95 S. W. 824) 2335, 2336  
 Genesee *v.* Genesee Natural Gas, etc. Co. (55 Kan. 358; 40 Pac. 655) 1364, 1365  
 — *v.* Latah County (4 Idaho, 141; 36 Pac. 702) 1798  
 Genesee *v.* Harper (38 Ill. 103) 2793  
 Genet *v.* Brooklyn (99 N. Y. 296; 1 N. E. 777) 2315, 2316, 2319, 2370  
 Geneva, The (16 Fed. Rep. 874) 474, 504, 510, 515  
 Geneva *v.* Cole (61 Ill. 397) 121, 2481  
 — *v.* People (98 Ill. App. 315) 623, 1586  
 — *v.* Peterson (21 Ill. App. 454) 1684  
 Geneva & W. R. Co. *v.* New York Cent. & H. R. R. Co. (163 N. Y. 228; 57 N. E. 498, rev'g 24 N. Y. App. Div. 335; 48 N. Y. Supp. 842) 1945, 1961, 1964, 1966, 1973  
 Genoa *v.* Woodruff (92 U. S. 502) 1398  
 Genoia *v.* Lockett (13 La. 545) 669, 2753  
 — *v.* St. Paul (35 Minn. 330; 29 N. W. 129) 1821, 2928  
 Gentile *v.* State (29 Ind. 409) 334, 484  
 Gentsch *v.* State (71 Ohio St. 151; 72 N. E. 900) 262, 264, 265, 280  
 Geoffrion *v.* Montreal Park & I. R. Co. (20 Rap. Jud. Que. C. S. 559) 1716  
 George *v.* Chester (59 N. Y. Misc. 553; 111 N. Y. Supp. 722) 2204  
 — *v.* Oxford Tp. (16 Kan. 72) 641  
 — *v.* Wyandotte Elect. L. Co. (105 Mich. 1; 62 N. W. 985) 2131  
 Georgetown *v.* Commonwealth (115 Ky. 382; 73 S. W. 1011; 61 L. R. A. 673) 2803, 2842  
 — *v.* Hambrick (127 Ky. 42; 104 S. W. 997; 13 L. R. A. n. s. 1113) 1808  
 — *v.* Kelly ([Ky.], 123 S. W. 251) 3053, 3056  
 Georgetown & L. Traction Co. *v.* Mulholland ([Ky.], 25 Ky. Law Rep. 578; 76 S. W. 148) 2006, 2029  
 Georgetown St. Com'rs *v.* Taylor (2 Bay [S. Car.] 282) 1729, 1892  
 Georgia *v.* Tennessee Copper Co. (206 U. S. 230) 2106, 2108  
 Georgia Packing Co. *v.* Macon (60 Fed. Rep. 774; 22 L. R. A. 775) 2324, 2337

[References are to pages]

- Georgia R. & B. Co. *v.* Atlanta  
 (118 Ga. 486; 45 S. E. 256) 1709,  
 1727  
 — *v.* Smith (128 U. S. 174) 2228,  
 2239, 2448  
 — *v.* Union Point (119 Ga. 809;  
 47 S. E. 183) 1644, 1645  
 — *v.* Wright (124 Ga. 596; 53  
 S. E. 251) 2478  
 Georgia R. Co. *v.* Smith (70 Ga.  
 694) 2231  
 Georgia S. & F. R. Co. *v.* Harvey  
 (84 Ga. 372; 10 S. E. 971) 1837,  
 1844  
 Gerard *v.* Cook (2 Bos. & Pul.  
 109) 1882  
 Gerber *v.* Kansas City (105 Mo.  
 App. 191; 79 S. W. 717) 3014  
 Gerberling *v.* Wunnenberg (51  
 Iowa, 125; 49 N. W. 861) 1713  
 Gerdes *v.* Iron & Foundry Co. (124  
 Mo. 347; 25 S. W. 557) 1857, 1860,  
 1861  
 Gerhard *v.* Seekonk Com'rs (15  
 R. I. 334; 5 Atl. 199) 488  
 Gerlach *v.* Brandreth (34 N. Y.  
 App. Div. 197; 54 N. Y. Supp.  
 479) 2773, 2777, 2778, 2779, 2780  
 Germaine *v.* Muskegon (105 Mich.  
 213; 63 N. W. 78) 2817  
 German & American Inv. Co. *v.*  
 Youngstown (69 Fed. Rep. 452) 317  
 German-American F. Ins. Co. *v.*  
 Minden (51 Neb. 870; 71 N.  
 W. 995) 988, 2468, 2479  
 German American Real Estate *v.*  
 Meyers (32 N. Y. App. Div. 41;  
 52 N. Y. Supp. 449) 1628  
 German-American Sav. Bank *v.*  
 Spokane (17 Wash. 315; 47 Pac.  
 1103; 49 Pac. 542; 38 L. R. A.  
 259) 1253, 1255, 1305, 1307, 2480  
 German Bank *v.* Brose (32 Ind.  
 App. 77; 69 N. E. 300) 1695,  
 1706, 1713, 1714, 1718, 1725, 1746  
 German Ins. Co. *v.* Manning (95  
 Fed. Rep. 597, overruling 78  
 Fed. Rep. 900) 1335, 1339, 1341,  
 1371, 1547, 1550  
 German Sav. & Loan Soc. *v.*  
 Ramish (138 Cal. 120; 69 Pac.  
 89; 70 Pac. 1067) 2525, 2599,  
 2929  
 German Savings Bank *v.* Franklin  
 County (128 U. S. 526) 1406, 1408,  
 1412, 1413, 1422, 1425, 1426, 1427,  
 1473, 1480, 1490, 1500, 1508, 1512,  
 1513, 1517, 1523, 1526, 1537  
 — *v.* Trowbridge (124 Iowa, 514;  
 100 N. W. 333) 2442  
 German Security Bank *v.* Coulter  
 (112 Ky. 577; 66 S. W. 425) 2648,  
 2831  
 German Theol. School *v.* Dubuque  
 (64 Iowa, 736; 17 N. W. 153) 3050  
 German Trust Co. *v.* Davenport  
 Board of Equalization (121  
 Iowa, 325; 96 N. W. 878) 2415  
 German Washington Mut. F. Ins.  
 Co. *v.* Louisville (117 Ky. 593;  
 78 S. W. 472; 80 S. W. 154) 2472  
 Germania *v.* State (7 Md. 1) 995,  
 2469  
 Germania Bank *v.* Trapnell (118  
 Ga. 578; 45 S. E. 446) 1292, 1293,  
 1294, 1298  
 Germania Sav. Bank *v.* Darlington  
 (50 S. Car. 337; 27 S. E. 846) 344,  
 403, 405, 571, 1364, 1400  
 — *v.* Suspension Bridge (159  
 N. Y. 362; 54 N. E. 33) 234  
 — *v.* Suspension Bridge (73  
 Hun [N. Y.] 590; 26 N. Y. Supp.  
 98) 1546  
 Gerow *v.* Liberty (106 N. Y. App.  
 Div. 357; 94 N. Y. Supp. 949) 2814  
 Gerry *v.* Stoneham (1 Allen [Mass.]  
 319) 566, 830  
 Gerst *v.* St. Louis (185 Mo. 191;  
 84 S. W. 34; 105 Am. St. Rep.  
 580) 2933  
 Gertum *v.* King's County (109 N.  
 Y. 170; 16 N. E. 328) 169, 623,  
 624  
 Gest *v.* Cincinnati (26 Ohio St.  
 275) 2593  
 Getchell *v.* Benedict (57 Iowa, 121;  
 10 N. W. 321) 1711, 1744  
 Getchell & M. L. & Mfg. Co. *v.*  
 Des Moines Union R. Co. (115  
 Iowa, 734; 87 N. W. 670) 1835  
 Getzoff *v.* New York (51 N. Y.  
 App. Div. 450; 64 N. Y. Supp.  
 636) 2961  
 Geurkink *v.* Petaluma (112 Cal.  
 306; 44 Pac. 570) 3037  
 Ghee *v.* Northern Union Gas Co.  
 (158 N. Y. 510; 53 N. E. 692,  
 rev'g 34 N. Y. App. Div. 551;  
 56 N. Y. Supp. 450) 1907, 1915,  
 1916, 1932, 1945, 2061, 2137, 2139,  
 2140, 2141, 2779  
 Ghenn *v.* Provincetown (105 Mass.  
 313) 2978, 2998, 3013  
 Giambonini, *Ex parte* (117 Cal.  
 573; 49 Pac. 732) 273, 320  
 Gianfortone *v.* New Orleans (61  
 Fed. Rep. 64; 24 L. R. A. 592) 2856  
 Gibbes *v.* Beaufort (20 S. Car. 213) 518,  
 2866  
 Gibbons *v.* Dist. of Columbia (116  
 U. S. 404) 2320, 2493  
 — *v.* Mobile & G. N. Railroad  
 Co. (36 Ala. 410) 345, 569  
 — *v.* Ogden (9 Wheat. [U. S.] 11) 2330  
 — *v.* Sheppard (65 Pa. St. 20) 2794



[References are to pages]

- Gibbs *v.* Ashford (27 Tex. Civ. App. 629; 66 S. W. 858) 1730  
 — *v.* Baltimore Consolidated Gas Co. (130 U. S. 396) 2178, 2205  
 — *v.* Liverpool Docks (3 H. & N. 164) 516  
 — *v.* Manchester (73 N. H. 265; 61 Atl. 128) 745, 746, 747, 792, 808, 809, 810  
 — *v.* Morgan (39 N. J. Eq. 126) 277, 297  
 — *v.* School District (88 Mich. 334; 50 N. W. 294; 26 Am. St. Rep. 295) 1464, 1467  
 — *v.* Smith (115 Mass. 592) 1166  
 Giboney *v.* Cape Girardeau (58 Mo. 141) 618, 2425, 2426  
 Gibson, *In re* (20 Upper Can. Q. B. 111) 903  
 — *v.* Bailey (9 N. H. 168) 877, 878  
 — *v.* East India Co. (5 Bing. [N. Car.] 262) 752  
 — *v.* Greenville (64 S. Car. 455; 42 S. E. 206) 1653  
 — *v.* Harrison (69 Ark. 385; 63 S. W. 999; 54 L. R. A. 268) 1102  
 — *v.* Murray (120 Ill. App. 296, *aff'd* 216 Ill. 589; 75 N. E. 319) 1586  
 — *v.* Owens (115 Mo. 258; 21 S. W. 1107) 1261  
 — *v.* Preston (L. R. 5 Q. B. 218) 2905, 2917  
 — *v.* Trinity County (80 Cal. 359; 22 Pac. 225) 2763  
 — *v.* United States (166 U. S. 269) 497, 498, 1609  
 — *v.* Wood (105 Ky. 740; 49 S. W. 768; 43 L. R. A. 699) 638  
 Gibson County *v.* Motherwell Iron & Steel Co. (123 Ind. 364; 24 N. E. 115) 1198  
 — *v.* Pullman Southern Car Co. (42 Fed. Rep. 572) 2346  
 Giesy *v.* Cincinnati, W. & C. R. Co. (4 Ohio St. 308) 1641, 1677, 1683  
 Giffen *v.* Lewiston (6 Idaho, 231; 55 Pac. 545) 2984, 3001  
 — *v.* Olathe (44 Kan. 342; 24 Pac. 470) 1690, 1716  
 Gifford *v.* Hulett (62 Vt. 342; 19 Atl. 230) 1049  
 — *v.* New Jersey R. & T. Co. (10 N. J. Eq. 171) 2768  
 — *v.* Westport (190 Mass. 323; 76 N. E. 1042) 1898  
 Gifford Drainage Dist. *v.* Shroer (145 Ind. 572; 44 N. E. 636) 2553  
 Gilbert *v.* Berlin (70 N. H. 396; 48 Atl. 279) 1580  
 — *v.* Boston (139 Mass. 313; 31 N. E. 734) 2959  
 — *v.* Craddock (67 Kan. 346; 72 Pac. 869) 635  
 Gilbert *v.* Eldbridge (47 Minn. 210; 49 N. W. 679; 13 L. R. A. 411) 487  
 — *v.* Luce (11 Barb. [N. Y.] 91) 724  
 — *v.* Morgan (98 Ill. App. 281, 284) 623  
 — *v.* New Haven (40 Conn. 102) 883, 1185  
 — *v.* Roxbury (100 Mass. 185) 2968  
 — *v.* Salt Lake City (11 Utah, 378; 40 Pac. 264) 2792, 2796  
 — *v.* Showerman (23 Mich. 448) 1039  
 — *v.* Trinity House (L. R. 17 Q. B. Div. 795) 2840  
 Gilbert Elev. R. Co., *Matter of* (70 N. Y. 361, *aff'g* 9 Hun [N. Y.] 303) 901, 1772, 1792, 1939, 1978, 2033, 2034  
 — (38 Hun [N. Y.] 438) 2024  
 Gilboy *v.* Detroit (115 Mich. 121; 73 N. W. 128) 2896, 2899  
 Gilchrist *v.* Garden (26 Up. Can. C. P. 1) 2964  
 — *v.* Little Rock (1 Dillon C. C. 261) 1367, 1545  
 — *v.* Schmidling (12 Kan. 263) 960  
 Gilchrist's Appeal (109 Pa. St. 600) 611, 614, 2407  
 Gilcrest Co. *v.* Des Moines (128 Iowa, 49; 102 N. W. 831) 1982  
 Gilder *v.* Brenham (67 Tex. 345; 3 S. W. 309) 1708, 1718, 1729  
 Gildersleeve *v.* Alexander (2 Speer [S. Car.] 298) 636  
 Giles *v.* Harris (189 U. S. 475) 2258  
 — *v.* Sanbornton School Dist. (31 N. H. 304) 66, 636, 830  
 — *v.* Shenandoah (111 Iowa, 83; 82 N. W. 466) 2821  
 Giles's Case (2 Stra. 881) 2658  
 Gilfeather, *Matter of* (101 N. Y. App. Div. 150; 91 N. Y. Supp. 533) 2635  
 — *v.* Council Bluffs (69 Iowa, 310; 28 N. W. 610) 3038, 3045  
 Gilfillan *v.* Shattack (142 Cal. 27; 75 Pac. 646) 1709  
 Gilham *v.* Real Estate Title Ins. & Trust Co. (203 Pa. 24; 52 Atl. 85) 2540  
 — *v.* Wells (64 Ga. 192) 925, 1013  
 Gilhooley *v.* Hudson County ([N. J.], 43 Atl. 569) 713  
 Gilhooly *v.* Elizabeth (66 N. J. L. 484; 49 Pac. 1106) 311  
 Gilkerson *v.* Frederick Jus. (13 Gratt. [Va.] 577) 2469, 2496, 2503  
 Gilkey *v.* How (105 Wis. 41; 81 N. W. 120; 49 L. R. A. 483) 121, 122  
 — *v.* Watertown (141 Mass. 317; 5 N. E. 152) 2794  
 Gill *v.* Brunswick (118 Ga. 85; 44 S. E. 830) 822



## TABLE OF CASES CITED

155

[References are to pages]

- Gill v. Lake Charles (119 La. 17; 43 So. 897) 2771  
 — v. Oakland (124 Cal. 335; 57 Pac. 150) 2608, 2637, 2830  
 — v. Patton (118 Iowa, 88; 91 N. W. 904) 2637, 2641  
 — v. Pawtucket (18 R. I. 281; 27 Atl. 506) 640  
 Gillard v. Chester (212 Pa. 338; 61 Atl. 929) 2972, 2984, 3000  
 Gillean v. Frost (25 Tex. Civ. App. 371; 61 S. W. 345) 1723, 1725, 1744, 1747, 1900  
 Gillender v. New York City (127 N. Y. App. Div. 612; 111 N. Y. Supp. 1051) 1841  
 Gillespie v. Duling (41 Ind. App. 217; 83 N. E. 728) 1705, 1724, 1725  
 — v. Forrest (18 Hun [N. Y.] 110) 1790  
 — v. Lincoln (35 Neb. 34; 52 N. W. 811; 16 L. R. A. 349) 2894  
 — v. Palmer (20 Wis. 544) 655, 656, 662, 774  
 — v. South Omaha (79 Neb. 441; 112 N. W. 582) 1611  
 Gillett v. Kinderhook (77 Hun [N. Y.] 604; 28 N. Y. Supp. 1044) 3042  
 — v. Lyon County (18 Kan. 410) 2859  
 — v. People (13 Colo. App. 553; 59 Pac. 72) 808, 810  
 Gillette v. Denver (21 Fed. Rep. 822) 2362, 2617  
 — v. Hartford (31 Conn. 351) 2426  
 Gillis v. Cleveland (87 Cal. 214; 25 Pac. 351) 2455, 2595  
 Gillison v. Charleston (16 W. Va. 282; 37 Am. Rep. 763) 3045  
 Gillmor v. Salt Lake City (32 Utah, 180; 89 Pac. 714; 12 L. R. A. N. s. 537) 2886  
 Gilluly v. Madison (63 Wis. 518; 24 N. W. 137; 52 Am. Rep. 299) 3052, 3060, 3061  
 Gilman v. Deerfield (15 Gray [Mass.] 577) 3000  
 — v. Fernald (141 Fed. Rep. 941) 1335, 1339, 1341, 1547  
 — v. Gilby (8 N. Dak. 627; 80 N. W. 889; 73 Am. St. Rep. 791) 1296  
 — v. Laconia (55 N. H. 130; 20 Am. Rep. 175) 771, 2855, 2857, 2861, 3037, 3052  
 — v. Milwaukee (55 Wis. 328; 13 N. W. 266) 1759  
 — v. Milwaukee (61 Wis. 588; 21 N. W. 640) 449  
 — v. Philadelphia (3 Wall. [U. S.] 713, 726) 494  
 Gilman v. Sheboygan (2 Black [U. S.] 510) 195, 2319, 2403, 2407  
 — v. Waterville (59 Me. 491) 2827  
 Gilmer v. Atlanta (77 Ga. 688) 3017  
 — v. Lime Point (19 Cal. 47) 1648  
 Gilmore v. Fox (10 Kan. 509) 2789  
 — v. Hentig (33 Kan. 156; 5 Pac. 781) 2363, 2365, 2367, 2526, 2617, 2622  
 — v. Holt (4 Pick. [Mass.] 258) 567  
 — v. Lewis (12 Ohio, 281) 552, 739, 741  
 — v. Norton (10 Kan. 491) 131, 233, 1526  
 — v. Pope (5 Mass. 491) 762  
 — v. Utica (131 N. Y. 26; 29 N. E. 841) 1223, 1224, 1261  
 Gilpatrick v. Biddeford (86 Me. 534; 30 Atl. 99) 2882  
 Gilroy, Matter of (32 N. Y. App. Div. 216; 52 N. Y. Supp. 990) 1661  
 Gilroy's Appeal (100 Pa. 5) 744  
 Gilsonite Const. Co. v. Arkansas-McAlester Coal Co. (205 Mo. 49; 103 S. W. 93) 1209, 1261, 2626, 2634  
 Giovanni v. Philadelphia (59 Fed. Rep. 303) 2903, 2904  
 Giozza v. Tiernan (148 U. S. 657) 1016  
 Girard v. Bissell (45 Kan. 66; 25 Pac. 232) 2378, 2468  
 — v. Philadelphia (7 Wall. [U. S.] 1) 143, 180, 181, 235, 443, 444, 593, 599, 602, 605, 608, 618, 1556, 1569, 1571, 1572  
 Girard Life Ins. Co. v. Philadelphia (88 Pa. St. 393) 2219  
 Girard Point Storage Co. v. Southwark Foundry Co. (105 Pa. St. 251) 1586  
 Girard's Heirs v. New Orleans (2 La. An. 897) 1566, 1569, 1574  
 Girard Will Case (2 How. [U. S.] 127) 1579  
 Girvin v. Simon (116 Cal. 604; 48 Pac. 720) 1223, 1224  
 Giuricevic v. Tacoma (57 Wash. 329; 106 Pac. 908; 28 L. R. A. N. s. 533) 2818  
 Given v. Des Moines (70 Iowa, 637; 27 N. W. 803) 1821  
 Givens v. Chicago (186 Ill. 399; 57 N. E. 1045) 2596  
 — v. Hillsborough County (46 Fla. 502; 35 So. 88; 110 Am. St. Rep. 104) 310, 1399  
 — v. Paris (5 Tex. Civ. App. 705; 24 S. W. 974) 2882  
 — v. Van Studdiford (86 Mo. 149; 56 Am. Rep. 421) 448  
 Givins v. Chicago (188 Ill. 348; 58 N. E. 912) 2388, 2453

[References are to pages]

- Givins *v.* People (194 Ill. 150; 62 N. E. 534; 88 Am. St. Rep. 143) 1166, 1209, 1217, 2600
- Gladstone *v.* Throop (71 Fed. Rep. 341) 438, 1361, 1395, 1401, 1547
- Gladwin *v.* Ames (30 Wash. 608; 71 Pac. 189) 357, 358
- Glaessner *v.* Anheuser-Busch Brewing Assoc. (100 Mo. 508; 13 S. W. 707) 1868
- Glantz *v.* South Bend (106 Ind. 305; 6 N. E. 632) 3010
- Glascok *v.* Lyons (20 Ind. 1; 83 Am. Dec. 299) 748
- Glasgow *v.* Altoona (27 Pa. Super. Ct. 55) 3053, 3055
- *v.* Bazan (96 Mo. App. 412; 70 S. W. 257) 1109
- *v.* Gillenwaters (113 Ky. 140; 67 S. W. 381) 2962, 2973, 3022
- *v.* Mathews (106 Va. 14; 54 S. E. 991) 1744
- *v.* Rowse (43 Mo. 479) 2312, 2386
- *v.* St. Louis (87 Mo. 678) 1758
- *v.* St. Louis (107 Mo. 198; 17 S. W. 743) 915, 1835, 1837, 1838, 1841, 1843, 1844
- Glasier *v.* Hebron (131 N. Y. 447; 30 N. E. 239) 770
- Glass, *Ex parte* (49 Tex. Crim. Rep. 87; 90 S. W. 1108) 1051
- *v.* White (5 Sneed [Tenn.] 475) 2457
- Glastenbury *v.* McDonald (44 Vt. 450) 1297
- Gleason *v.* Barnett (106 Ky. 125; 50 S. W. 67) 2455, 2493
- *v.* Barnett ([Ky.], 61 S. W. 20) 2596
- *v.* Dalton (28 N. Y. App. Div. 555; 51 N. Y. Supp. 337, rev'g 23 N. Y. Misc. 18; 50 N. Y. Supp. 90) 1199, 1202, 2779, 2780
- *v.* Kirksville (136 Mo. App. 521; 118 S. W. 120) 3045
- *v.* Peter & B. Stone Co. ([Ky.], 66 S. W. 16) 2481
- *v.* Waukesha County (103 Wis. 225; 79 N. W. 249) 2555
- Glencoe *v.* People (78 Ill. 382) 634, 2657, 2663, 2708, 2717, 2718
- *v.* Wadsworth (48 Minn. 402; 51 N. W. 377) 1899
- Glencoe Board of Education *v.* School Trustees (174 Ill. 510; 51 N. E. 656) 880
- Glenn *v.* Baltimore (67 Md. 390; 10 Atl. 70) 1709
- *v.* Moore County (139 N. Car. 412; 52 S. W. 58) 2661
- *v.* Wray (126 N. Car. 730; 36 S. E. 167) 659, 1531
- Glen Ridge *v.* Stout (58 N. J. L. 598; 33 Atl. 858) 269, 322
- Glen Ridge Board of Health *v.* Werner (67 N. J. L. 103; 50 Atl. 585) 985
- Glidden *v.* Harrington (189 U. S. 255) 2367
- *v.* Hopkins (47 Ill. 525) 1288
- *v.* Unity (30 N. H. 104) 467
- *v.* Unity (33 N. H. 571) 765
- Globe Elevator Co. *v.* Andrew (144 Fed. Rep. 871) 242
- Glori *v.* Newark Police Com'rs (72 N. J. L. 131; 60 Atl. 47) 822
- Glossop *v.* Heston & I. Local Board (L. R. 12 Ch. Div. 102) 2646, 3040, 3048
- Gloucester *v.* Essex County Com'rs (116 Mass. 579) 880
- *v.* Osborn (1 H. of Lords Cases, 285) 1570
- Gloucester Ferry Co. *v.* Pennsylvania (114 U. S. 196) 2331, 2333, 2337
- Gloucester Water Supply Co. *v.* Gloucester (193 U. S. 580) 2184
- *v.* Gloucester (179 Mass. 365; 60 N. E. 977) 2184, 2198, 2199
- Glover *v.* Manhattan R. Co. (51 Super. Ct. 1) 2036
- *v.* North Staffordshire R. Co. (16 Q. B. 912) 1611
- *v.* People (188 Ill. 576; 59 N. E. 429) 2611
- *v.* People (194 Ill. 22; 61 N. E. 1047) 2489
- *v.* People (201 Ill. 545; 66 N. E. 820) 1216, 1217
- *v.* Storrie (18 Tex. Civ. App. 6; 43 S. W. 1035) 2480
- *v.* Terre Haute (129 Ind. 593; 29 N. E. 412) 615, 620
- Gloversville, Matter of (42 N. Y. Misc. 559; 87 N. Y. Supp. 612) 1613
- *v.* Howell (70 N. Y. 287) 128, 901
- Glucose Refining Co. *v.* Chicago (138 Fed. Rep. 209) 1054, 2753
- Godcharles *v.* Wigeman (113 Pa. St. 431; 6 Atl. 354) 205
- Godchaux *v.* Carpenter (19 Nev. 415; 14 Pac. 140) 1646
- Goddard, Petitioner (16 Pick. [Mass.] 504) 446, 978, 1085, 1121, 2563
- *v.* Jacksonville (15 Ill. 588; 60 Am. Dec. 773) 1014
- *v.* Lincoln (69 Neb. 594; 96 N. W. 273) 2950, 2993, 2995, 2996
- *v.* Lowell (179 Mass. 496; 61 N. E. 53) 1170
- *v.* Smithett (3 Gray [Mass.] 116) 2728

## TABLE OF CASES CITED

157

[References are to pages]

- Goddin v. Crump* (8 Leigh [Va.] 120) 569, 2396
- Godfrey v. Alton* (12 Ill. 29; 52 Am. Dec. 476) 511, 1700, 1707, 1756
- *v. Bennington Water Co.* (75 Vt. 350; 55 Atl. 654) 2363, 2366
- *v. Claffin* (21 Pick. [Mass.] 1) 2833
- *v. New York* (104 N. Y. App. Div. 357; 93 N. Y. Supp. 899, aff'd 185 N. Y. 563; 77 N. E. 1187) 2972, 2982, 3022
- Godkin v. Doyle Tp.* (143 Mich. 236; 106 N. W. 882) 2826
- Goebel v. Grosse Pointe Waterworks* (126 Mich. 307; 85 N. W. 744) 2216
- Goedel v. Palmer* (152 N. Y. 412; 46 N. E. 851, aff'g 15 N. Y. App. Div. 86; 44 N. Y. Supp. 301) 696
- Goelet v. Metropolitan Transit Co.* (48 Hun [N. Y.] 520; 1 N. Y. Supp. 74) 1943
- *v. Newport Bd. of Ald.* (14 R. I. 295) 1712
- Goetcheus v. Matthewson* (61 N. Y. 420; s. c. 5 Lans. [N. Y.] 214) 774
- Goetler v. State* (45 Ark. 454) 970, 1114
- Goetz v. Bank of Kansas City* (119 U. S. 551) 1476
- Goff v. Nolan* (62 How. Pr. [N. Y.] 323) 464
- Goins v. Moberly* (127 Mo. 116; 29 S. W. 985) 2991
- Gold v. Peoria* (65 Ill. App. 602) 398
- *v. Philadelphia* (115 Pa. St. 184; 8 Atl. 386) 1858
- Goldberg v. Dorland* (56 N. J. L. 364; 28 Atl. 599) 296, 298
- Golden v. Clinton* (54 Mo. App. 100) 2975, 3016
- *v. Metropolitan Elev. R. Co.* (1 N. Y. Misc. 142; 20 N. Y. Supp. 630) 2048
- *v. Toluca* (108 Ill. App. 467) 834, 836, 840
- Goldey v. Morning News* (156 U. S. 518) 2358
- Goldgart v. People* (106 Ill. 25) 2415
- Goldman v. Conway County* (10 Fed. Rep. 888) 1312
- Goldschmid v. New York* (14 N. Y. App. Div. 135; 43 N. Y. Supp. 447) 2901
- Goldschmidt v. New Orleans* (5 La. An. 436) 1309
- Goldsmid v. Tunbridge* (L. R. 1 Eq. 161) 1041
- Goldsmith v. Baker City* (31 Oreg. 249; 49 Pac. 973) 1292, 1294, 1296
- Goldsmith v. Huntsville* (120 Ala. 182; 24 So. 509) 2470, 2473
- *v. New Orleans* (31 La. 646) 1015
- *v. San Francisco* (115 Cal. 36; 46 Pac. 816) 417
- Goldstraw v. Duckworth* (L. R. 5 Q. B. Div. 275) 1877
- Goldthwaite v. East Bridgewater* (5 Gray [Mass.] 61) 2961
- *v. Montgomery* (50 Ala. 486) 981, 1136, 2468, 2469
- Gooch v. Exeter* (70 N. H. 413; 48 Atl. 1100; 85 Am. St. Rep. 637) 160, 176
- *v. Gregory* (65 N. Car. 142) 1586, 1588
- Goodale v. Fennell* (27 Ohio St. 426) 193, 195
- *v. Tuttle* (29 N. Y. 459) 2307, 3036, 3045
- Goodall v. Milwaukee* (5 Wis. 32) 1820, 2931
- Goode v. St. Louis* (113 Mo. 257; 20 S. W. 1048) 1751, 1754, 1755, 1762, 1763
- Goodell, In re* (14 Johns. [N. Y.] 325) 2654
- *v. Baker* (8 Cowen [N. Y.] 286) 833
- *v. Jackson* (20 Johns. [N. Y.] 706; 11 Am. Dec. 351) 1556
- *v. Woodbury* (71 N. H. 378; 52 Atl. 855) 2658
- Goodenow v. Buttrick* (7 Mass. 140) 445
- Goodfellow v. New York* (100 N. Y. 15; 2 N. E. 462) 3016
- Goodin v. Cincinnati & W. Canal Co.* (18 Ohio St. 169; 98 Am. Dec. 95) 1673
- *v. Des Moines* (55 Iowa, 67; 7 N. W. 411) 2974, 3032
- Goodloe v. Cincinnati* (4 Ohio, 500; 22 Am. Dec. 764) 2930
- Goodman v. Harvey* (4 A. & E. 870) 1350
- *v. Niblack* (102 U. S. 556) 1280
- *v. Simonds* (20 How. [U. S.] 343) 1351, 1476
- Goodnough v. Oshkosh* (24 Wis. 549; 1 Am. Rep. 202) 3020
- Goodnow v. Ramsey County* (11 Minn. 31) 1286, 1342
- Goodrich v. Brown* (30 Iowa, 291) 979, 1133
- *v. Chicago* (20 Ill. 445) 460, 466, 2656, 2839
- *v. Detroit* (12 Mich. 279) 550, 1139, 1249, 1250
- *v. Detroit* (123 Mich. 559; 82 N. W. 255, aff'd 184 U. S. 432) 1808, 2370, 2542
- *v. Milwaukee* (24 Wis. 422) 2931

[References are to pages]

- Goodrich *v.* Omaha (10 Neb. 98; 4 N. W. 424) 2925  
 — *v.* University Place (80 Neb. 774; 115 N. W. 538) 2995  
 — *v.* Waterville (88 Me. 39; 33 Atl. 659) 1143, 1147, 1149  
 Goodsell *v.* Lawson (42 Md. 348) 485  
 Goodson *v.* Des Moines (66 Iowa, 255; 23 N. W. 655) 3015  
 Goodtitle *v.* Alker (1 Kenyon, 427; s. c. 1 Burr. 133) 1699, 1795, 1817, 1927  
 Goodwillie *v.* Detroit (103 Mich. 283; 61 N. W. 526) 2602  
 Goodwin *v.* East Hartford (70 Conn. 18; 38 Atl. 876) 1295  
 — *v.* Gardiner (84 Me. 278; 24 Atl. 846) 2821  
 — *v.* McGehee (15 Ala. 233) 1591  
 — *v.* Roberts (L. R. 1 App. Cas. 476) 1350  
 — *v.* Sherer (145 Ala. 501; 40 So. 279) 2669  
 — *v.* State (142 Ind. 117; 41 N. E. 359) 671, 733, 734  
 Goodwin & Ottawa & Prescott R. Co., *In re* (13 Upper Can. C. P. 254) 609  
 Goodwine *v.* State (81 Ind. 109) 683  
 Goodyear Rubber Co. *v.* Eureka (135 Cal. 613; 67 Pac. 1043) 874, 1171  
 Googin *v.* Lewiston (103 Me. 119; 68 Atl. 694) 2596, 3056  
 Goose River Bank *v.* Willow Lake School Township (1 N. Dak. 26; 44 N. W. 1002; 26 Am. St. Rep. 605) 1296  
 Gordon *v.* Strong (158 N. Y. 407; 53 N. E. 33) 2778  
 Gordon *v.* Appeal Tax Court (3 How. [U. S.] 133) 2422  
 — *v.* Baltimore (5 Gill [Md.] 231) 2423, 2445, 2482, 2827, 2832  
 — *v.* Dearborn Co. (52 Ind. 322) 1233  
 — *v.* Doran (100 Minn. 343; 111 N. W. 272; 8 L. R. A. n. s. 1049) 2205, 2211  
 — *v.* Farrar (2 Doug. [Mich.] 411) 774  
 — *v.* Newport News (102 Va. 649; 47 S. E. 828) 2468  
 — *v.* Omaha (71 Neb. 570; 99 N. W. 242) 745, 2880  
 — *v.* People (154 Ill. 664; 39 N. E. 560) 2609  
 — *v.* Preston (1 Watts [Pa.] 385; 26 Am. Dec. 75) 1591  
 — *v.* Richmond (83 Va. 436; 2 S. E. 727) 2976  
 — *v.* San Diego (101 Cal. 522; 36 Pac. 18; 40 Am. St. Rep. 73) 1597  
 Gordon *v.* Silver Creek (127 N. Y. App. Div. 888; 112 N. Y. Supp. 54; aff'd 197 N. Y. 509; 90 N. E. 1159) 2912  
 — *v.* Taunton (126 Mass. 349) 2874  
 — *v.* United States (7 Wall. [U. S.] 188) 1317  
 — *v.* Winston (181 Ill. 338; 54 N. E. 1095) 493  
 Gordon County Road Com'rs *v.* Burns (118 Ga. 112; 44 S. E. 828) 2460  
 Gorgier *v.* Mieville (3 B. & C. 45) 1350  
 Gorham *v.* Campbell (2 Cal. 135) 643  
 — *v.* Cooperstown (59 N. Y. 660) 2978, 3013  
 — *v.* Springfield (21 Maine, 58) 127, 618, 627  
 Goring *v.* McTaggart (92 Ind. 200) 2485  
 Gorley *v.* Louisville (104 Ky. 372; 47 S. W. 263) 277, 787, 792  
 — *v.* Louisville (108 Ky. 789; 55 S. W. 886) 745  
 Gorman *v.* Boise County (1 Idaho, 655) 745  
 — *v.* Low (2 Edw. Ch. [N. Y.] 324) 961  
 — *v.* People (78 Ill. App. 385) 2734  
 — *v.* State (157 Ind. 205; 60 N. E. 1083) 2628  
 — *v.* Tidholm (94 Ill. App. 371) 2763  
 Gormley *v.* Day (114 Ill. 185; 28 N. E. 693) 2156  
 Gorney *v.* New York (102 N. Y. App. Div. 259; 92 N. Y. Supp. 451) 3022  
 Gorr *v.* Port Jervis (57 N. Y. App. Div. 122; 68 N. Y. Supp. 15) 732  
 Gorrell *v.* Greensboro Water Supply Co. (124 N. Car. 328; 32 S. E. 720; 46 L. R. A. 513; 70 Am. St. Rep. 598) 2305, 2306  
 — *v.* Newport (1 Tenn. Ch. App. 120) 1003  
 Goshen *v.* Croxton (34 Ind. 239) 977, 979, 981  
 — *v.* Jackson (165 Ill. 17) 2711  
 — *v.* Kern (63 Ind. 468; 30 Am. Rep. 234) 997, 1095  
 — *v.* Myers (119 Ind. 196; 21 N. E. 657) 1831, 2951, 2993  
 Goshorn *v.* County (1 W. Va. 308) 582  
 Gosling *v.* Veley (19 L. J. n. s. Q. B. 135) 655, 893, 903  
 Gosman *v.* State (106 Ind. 203; 6 N. E. 349) 639, 721  
 Gosnell *v.* Louisville (104 Ky. 201; 46 S. W. 722) 1251, 1262, 2493, 2502, 2565, 2635  
 — *v.* Louisville ([Ky.], 57 S. W. 476) 1242

## TABLE OF CASES CITED

159

[References are to pages]

- Gosport v. Evans* (112 Ind. 133; 13 N. E. 256; 2 Am. St. Rep. 164) 3001
- *v. Pritchard* (156 Ind. 400; 59 N. E. 1058) 458, 1172, 2135
- Gosselin v. Chicago* (103 Ill. 623) 1687, 1688
- Gosselink v. Campbell* (4 Iowa, 296) 960, 964
- Gossler v. Georgetown* (6 Wheat. [U. S.] 593) 464, 556, 1811, 1812, 1819, 2923, 2925, 2929
- Gottschalk v. Chicago, B. & Q. R. Co.* (14 Neb. 550; 16 N. W. 475; 17 N. W. 120) 2015, 2925, 2948
- Goud v. Portland* (96 Me. 125; 51 Atl. 820) 731
- Goudier v. Cormack* (2 E. D. Smith [N. Y.] 254) 3027
- Gough v. Bell* (22 N. J. L. 441) 493
- Gouhenour v. Anderson* (35 Tex. Civ. App. 569; 81 S. W. 104) 2657
- Gould v. Atlanta* (55 Ga. 678) 990, 992
- *v. Atlanta* (60 Ga. 164) 2876
- *v. Baltimore* (58 Md. 46; 59 Md. 378) 2405, 2492, 2572, 2575, 2593
- *v. Booth* (66 N. Y. 62) 3036, 3038, 3041, 3046, 3056
- *v. Gapper* (5 East, 345) 2800
- *v. Hennepin County* (76 Minn. 379; 79 N. W. 303) 2831
- *v. Howe* (131 Ill. 490; 23 N. E. 602) 1690
- *v. Hudson Riv. R. Co.* (6 N. Y. 522) 487, 490
- *v. Oneonta* (71 N. Y. 298) 1540
- *v. Paris* (68 Tex. 511; 4 S. W. 650) 343, 419, 426, 547, 549, 583
- *v. Raymond* (59 N. H. 260) 568, 901
- *v. Rochester* (105 N. Y. 46; 12 N. E. 275) 1038
- *v. Sterling* (23 N. Y. 439) 570, 580, 583, 1325, 1405, 1408, 1428, 1436, 1534, 1537, 1538, 1539
- *v. Taylor Orphan Asylum* (46 Wis. 106; 50 N. W. 422) 1557
- *v. Topeka* (32 Kan. 485; 4 Pac. 822; 49 Am. Rep. 183) 1787, 2990
- Gouldey v. Atlantic City* (63 N. J. L. 537; 42 Atl. 852) 666
- Goulding v. Peabody* (170 Mass. 483; 49 N. E. 752) 626
- Goundie v. Northampton Water Company* (7 Pa. St. 233) 1581
- Gourley v. Allen* (5 Cow. [N. Y.] 644) 2657, 2661
- *v. Hankins* (2 Iowa, 75) 1598
- Govan v. Jackson* (32 Ark. 553) 646
- Governor v. Allen* (8 Humph. [Tenn.] 176) 77
- *v. Clark County* (19 Ga. 97) 2857
- *v. McEwen* (5 Humph. [Tenn.] 241) 144
- *v. Meredith* (4 Term Rep. 790) 556
- *v. Woodworth* (63 Ill. 254) 1902
- Gowen v. Philadelphia Exch. Co.* (5 W. & S. [Pa.] 141) 1696, 1714
- Goyne v. Ashley County* (31 Ark. 552) 1287
- Goytino v. McAleer* (4 Cal. App. 655; 88 Pac. 991) 1113
- Grace v. Forbes* (64 N. Y. Misc. 130; 118 N. Y. Supp. 1062) 2778, 2779
- *v. Walker* (95 Tex. 39; 64 S. W. 930; 65 S. W. 482) 1745
- Grade Crossing Com'rs, Matter of* (154 N. Y. 550; 49 N. E. 127) 1822
- (154 N. Y. 561; 49 N. E. 131, aff'g 21 N. Y. App. Div. 633; 47 N. Y. Supp. 1136) 1823
- (166 N. Y. 69; 59 N. E. 706, aff'g 46 N. Y. App. Div. 473; 61 N. Y. Supp. 748) 1822
- Grade Crossing Com'rs, In re* (6 N. Y. App. Div. 327; 40 N. Y. Supp. 520) 2923
- Graden v. Parkville* (114 Mo. App. 527; 90 S. W. 115) 1816
- Grady v. Landram* (23 Ky. Law Rep. 506; [Ky.], 63 S. W. 284) 348
- *v. Pruitt* (111 Ky. 100; 63 S. W. 283) 409, 411, 432
- Graff v. Baltimore* (10 Md. 544) 1653, 1654
- *v. Logue* (61 Iowa, 704; 17 N. W. 171) 1486
- Graffins v. Commonwealth* (3 Penrose & W. [Pa.] 502) 773
- Graffy v. Rushville* (107 Ind. 502; 8 N. E. 609; 57 Am. Rep. 128) 2323, 2324, 2476
- Grafton v. St. Paul, M. & M. R. Co.* (16 N. Dak. 313; 113 N. W. 598; 22 L. R. A. n. s. 1) 1614, 1615, 1616, 1641
- Graham v. Albert* (Lea, 48 Minn. 201; 50 N. W. 1108) 2975
- *v. Boston* (156 Mass. 75; 30 N. E. 170) 3001
- *v. Carondelet* (33 Mo. 262) 834, 880, 913
- *v. Chautauqua County* (31 Kan. 473; 2 Pac. 549) 2377
- *v. Chicago* (187 Ill. 411; 58 N. E. 393) 2548
- *v. Conger* (85 Ky. 582; 4 S. W. 327) 2555



[References are to pages]

- Graham v. Connersville & N. J. R. Co. (36 Ind. 463; 10 Am. Rep. 56) 1675
- v. Folsom (200 U. S. 248) 603, 624, 2673, 2674, 2680, 2685, 2686, 2688, 2690, 2695, 2700, 2726
- v. Greenville (67 Tex. 62; 2 S. W. 742) 121, 618
- v. Keene (143 Ill. 425; 32 N. E. 180) 3044
- v. New York (167 N. Y. 85; 60 N. E. 331, rev'g 55 N. Y. App. Div. 627; 67 N. Y. Supp. 1133) 738, 744, 746
- v. Oxford (105 Iowa, 705; 75 N. W. 473) 3001
- v. Parham (32 Ark. 676) 2693
- v. Philadelphia (19 Pa. Super. Ct. 292) 3003
- v. Poughkeepsie (68 N. Y. App. Div. 262; 74 N. Y. Supp. 97) 2967
- v. Rockford (238 Ill. 214; 87 N. E. 361; aff'g 142 Ill. App. 306) 2821
- v. Spokane (19 Wash. 447; 53 Pac. 714) 398, 400, 435
- v. State (1 Ark. 171) 1118
- v. Tuscumbia (146 Ala. 449; 42 So. 400) 1504
- Grainger County v. State (Redistricting Cases) (111 Tenn. 234; 80 S. W. 750) 242, 730
- Granby v. Thurston (23 Conn. 416) 70, 614, 625
- Grand Chute v. Winegar (15 Wall. [U. S.] 355) 1355, 1356, 1420, 1435, 1438, 1439, 1440, 1461, 1466
- Grand County v. King (32 U. S. App. 1) 2398, 2403
- v. King (67 Fed. Rep. 202) 2681
- v. People (16 Colo. App. 215; 64 Pac. 675) 1293, 2681
- Grand Forks v. Allman (153 Fed. Rep. 532) 2822
- Grand Haven v. Grand Haven Water Works (99 Mich. 106; 57 N. W. 1075) 2180
- v. Grand Haven Waterworks Co. (119 Mich. 652; 78 N. W. 890) 2180
- Grand Island & N. W. R. Co. v. Baker (6 Wyo. 369; 45 Pac. 494; 34 L. R. A. 835; 71 Am. St. Rep. 926) 353, 406, 407, 411, 416, 417, 1496
- Grand Island & W. C. R. Co. v. Dawes County (62 Neb. 44; 86 N. W. 934) 2763
- Grand Island Gas Co. v. West (28 Neb. 852; 45 N. W. 242) 1147, 1150
- Grand Junction Water Co. v. Grand Junction (14 Colo. App. 424; 60 Pac. 196) 2295, 2297
- Grand Junction Waterworks Co. v. Rodocanachi, L. R. [1904], 2 K. B. 230) 2215
- Grand Lodge, &c. of Louisiana v. New Orleans (166 U. S. 143) 2448
- Grand Rapids v. Bennett (106 Mich. 528; 64 N. W. 585) 1617
- v. Blakely (40 Mich. 367; 29 Am. Rep. 539) 1321, 2826
- v. Braudy (105 Mich. 670; 64 N. W. 29; 32 L. R. A. 116; 55 Am. St. Rep. 472) 943
- v. Coit (149 Mich. 668; 113 N. W. 362) 1645
- v. De Vries (123 Mich. 570; 82 N. W. 269) 1023, 1024, 1025
- v. Grand Rapids & Ir. Co. (58 Mich. 641; 26 N. W. 159; s. c. 66 Mich. 42; 33 N. W. 15; 26 N. W. 159; 33 N. W. 15) 1617, 1648
- v. Grand Rapids Hydraulic Co. (66 Mich. 606; 33 N. W. 749) 1910, 2137, 2143
- v. Hughes (15 Mich. 54) 952, 954, 1136, 1847
- v. Lake Shore & M. S. R. Co. (130 Mich. 238; 89 N. W. 932; 97 Am. St. Rep. 473) 2594
- v. Powers (89 Mich. 94; 50 N. W. 661; 14 L. R. A. 498; 28 Am. St. Rep. 276) 501, 503
- v. Williams (112 Mich. 247; 70 N. W. 547; 36 L. R. A. 137; 67 Am. St. Rep. 396) 1100
- v. Wyman (46 Mich. 516; 9 N. W. 833) 2957
- Grand Rapids & I. R. Co. v. Heisel (38 Mich. 62) 2002, 2005, 2013
- v. Heisel (47 Mich. 393; 11 N. W. 212) 1990
- v. Osborn (193 U. S. 17) 2450
- Grand Rapids E. L. & P. Co. v. Grand Rapids Edison El. L. & F. G. Co. (33 Fed. Rep. 659) 449, 454, 944, 1771, 1847, 1911, 1917, 1922
- Grand Rapids Ice & Coal Co. v. South Grand Rapids Co. (102 Mich. 227; 60 N. W. 681; 25 L. R. A. 815; 47 Am. St. Rep. 516) 503
- Grand Rapids, N. & L. S. R. Co. v. Gray (38 Mich. 461) 1119
- Grand Surrey Canal Co. v. Hall (1 Man. & Gr. 392) 1703, 1890
- Grandville v. Jenison (84 Mich. 54; 47 N. W. 600) 1686, 1687, 1689, 1693, 1699, 1740



## TABLE OF CASES CITED

161

[References are to pages]

- Graney v. St. Louis* (141 Mo. 180; 42 S. W. 941) 3002  
*Granger v. Avery* (64 Me. 292) 614  
 — *v. Buffalo* (6 Abb. [N. Y.] N. Cas. 238) 2397  
 — *v. French* (152 Mich. 356; 116 N. W. 181) 2653  
 — *v. Pulaski County* (26 Ark. 37) 2856, 2950  
*Grant v. Bartholomew* (58 Neb. 839; 80 N. W. 45) 2455, 2596, 2606, 2609  
 — *v. Berrisford* (94 Minn. 45; 101 N. W. 940) 117, 1265  
 — *v. Brooklyn* (41 Barb. [N. Y.] 381) 3010, 3054  
 — *v. Courter* (24 Barb [N. Y.] 232) 135  
 — *v. Davenport* (18 Iowa, 179) 480, 484, 512, 513, 1599, 1722, 1757  
 — *v. Davenport* (36 Iowa, 396) 349, 351, 354, 357, 358, 362, 1139, 2167, 2174, 2420, 2429, 2768, 2772  
 — *v. Erie* (69 Pa. St. 420; 8 Am. Rep. 272) 466, 560, 2301, 2303, 2839, 3040, 3050  
 — *v. Fancher* (5 Cow. [N. Y.] 309) 763  
 — *v. New York City* (111 N. Y. App. Div. 160; 97 N. Y. Supp. 1135) 746  
 — *v. Reno* (107 Mich. 409; 65 N. W. 376) 1464  
 — *v. Rochester* (79 N. Y. App. Div. 460; 80 N. Y. Supp. 522) 741  
 — *v. Sherrill* (71 Neb. 219; 98 N. W. 681) 1362, 1365  
 — *v. Sligo Harbor Com'rs* (L. R. 11 Ir. C. L. R. 190) 3021  
 — *v. Stillwater* (35 Minn. 242; 28 N. W. 660) 1857  
*Grant Co. v. Bradford* (72 Ind. 455) 551, 564, 1247  
*Grant County v. Lake County* (17 Oreg. 453; 21 Pac. 447) 353, 357  
*Grassick v. Toronto* (39 Up. Can. Q. B. 306) 2945  
*Grattan Tp. v. Chilton* (97 Fed. Rep. 145, aff'g 82 Fed. Rep. 873) 1461  
*Graver v. Edison Elect. Ill. Co.* (126 N. Y. App. Div. 371; 110 N. Y. Supp. 603) 2205  
*Graves v. Bloomington* (17 Ill. App. 476) 1032  
 — *v. Colby* (9 Ad. & El. 356) 982, 983  
 — *v. Jasper School Township* (2 S. Dak. 414; 50 N. W. 904) 2764, 2768  
 — *v. Key City Gas Co.* (83 Iowa, 714; 50 N. W. 283) 2211  
*Graves v. Moore County* (135 N. Car. 49; 47 S. E. 134) 1511  
 — *v. Otis* (2 Hill [N. Y.] 466) 2923  
 — *v. Saline County* (161 U. S. 359) 1456, 1480, 1487, 1499, 1500, 1503  
 — *v. Shattuck* (35 N. H. 257; 69 Am. Dec. 536) 1089, 1858  
*Graves County Water Co. v. Ligon* (112 Ky. 775; 66 S. W. 725) 2305  
*Gravey v. New York* (117 N. Y. App. Div. 773; 102 N. Y. Supp. 1010) 3055  
*Gray v. Batesville* (74 Ark. 519; 86 S. W. 295) 768, 771  
 — *v. Blanchard* (8 Pick. [Mass.] 283) 1566  
 — *v. Bourgeois* (107 La. 671; 32 So. 42) 426, 427, 429  
 — *v. Brooklyn* ((10 Abb. [N. Y.] Pr. n. s. 186) 144, 177, 184, 2850  
 — *v. Charles & W. C. R. Co.* (81 S. Car. 370; 62 S. E. 442) 1791  
 — *v. Crockett* (30 Kan. 138; 1 Pac. 50) 307  
 — *v. Danbury* (54 Conn. 574; 10 Atl. 198) 3010  
 — *v. Detroit* (113 Mich. 657; 71 N. W. 1107) 2488  
 — *v. Griffin* (111 Ga. 361; 36 S. E. 792) 2868, 2883, 2886  
 — *v. Haas* (98 Iowa, 502; 67 N. W. 394) 1711, 1713  
 — *v. Iowa Land Co.* (26 Iowa, 387) 1771, 1835, 1838  
 — *v. Knoxville* (85 Tenn. 99; 1 S. W. 622) 2920, 2926  
 — *v. Lindsey* ([Ala.], 39 So. 927) 2707  
 — *v. Lucas* (115 Cal. 430; 47 Pac. 354) 2638  
 — *v. Manhattan R. Co.* (128 N. Y. 499; 28 N. E. 498) 2044, 2049  
 — *v. Peoria Board of School Insp.* (231 Ill. 63; 83 N. E. 95) 1289  
 — *v. Pullen* (32 L. J. Rep. n. s. Q. B. 169) 3026  
 — *v. Pullen* (5 B. & S. 970; s. c. in error, 5 B. & S. 980) 3015  
 — *v. Richardson* (124 Cal. 460; 57 Pac. 385) 1212  
 — *v. Richardson* ([Cal.], 55 Pac. 603) 2638  
 — *v. Rollinsford* (58 N. H. 253) 765  
 — *v. St. Paul & Pac. R. Co.* (13 Minn. 315) 2010  
 — *v. Sheldon* (8 Vt. 402) 611  
 — *v. State* (2 Harring. [Del.] 76) 1117, 1133  
 — *v. State* (92 Tex. 396; 49 S. W. 217) 2730  
 — *v. York State Tel. Co.* (92 N. Y. App. Div. 89; 86 N. Y. Supp. 771) 1928

[References are to pages]

- Gray's Appeal (80 Conn. 248; 67 Atl. 891) 1746
- Grayson *v.* Latham (84 Ala. 546; 4 So. 200; 4 So. 866) 1294, 1313
- Grayville *v.* Gray (19 Ill. App. 120) 437
- *v.* Whitaker (85 Ill. 439) 2951
- Great Falls *v.* Theis (79 Fed. Rep. 943) 1401
- Great Northern R. Co. *v.* St. Paul (61 Minn. 1; 63 N. W. 96, 240) 1716, 1739
- Great Western R. Co. *v.* Decatur (33 Ill. 381) 2068, 2082
- Great Western R. Co. & North Cayuga, *In re* (23 Up. Can. C. P. 28) 919, 920
- Greaves *v.* Jacksonville (17 Fla. 174) 919
- Greeley *v.* Hamman (12 Colo. 94; 20 Pac. 1) 1128
- *v.* Hamman (17 Colo. 30; 28 Pac. 460) 866
- *v.* Maine Cent. R. Co. (53 Me. 200) 3041
- *v.* People (60 Ill. 19) 77, 1665, 2544
- Greely *v.* McCoy (3 S. Dak. 218; 52 N. W. 1050) 1293
- Green, *Ex parte* (114 Fed. Rep. 959) 2326
- (94 Cal. 387; 29 Pac. 783) 962
- Green, Matter of (166 N. Y. 485; 60 N. E. 183, *aff'g* 55 N. Y. App. Div. 475) 235
- *v.* Ashland Water Co. (101 Wis. 258; 77 N. W. 722; 43 L. R. A. 117; 70 Am. St. Rep. 911) 2201, 2202
- *v.* Canaan (29 Conn. 157) 1703, 1710, 1728
- *v.* Cape May (41 N. J. L. 45) 450, 451, 559, 896, 1191
- *v.* Cheek (5 Ind. 105) 613
- *v.* Chicago (97 Ill. 370) 1677, 1679
- *v.* City & Suburban R. Co. (78 Md. 294; 28 Atl. 626; 44 Am. St. Rep. 288) 2006, 2029
- *v.* Commonwealth (95 Ky. 233; 24 S. W. 610) 322
- *v.* Clark (56 N. J. L. 62; 27 Atl. 924) 307
- *v.* Custer County (8 Idaho, 721; 71 Pac. 115) 1290
- *v.* Danby (12 Vt. 338) 2961, 2968
- *v.* Durham (1 Burr. 131) 839
- *v.* Eden (24 Ind. App. 583; 56 N. E. 240) 2896
- *v.* Elliott (86 Ind. 53) 1725
- *v.* Everett (179 Mass. 147; 60 N. E. 490) 1178, 2627
- *v.* Indianapolis (25 Ind. 490) 133, 889, 908, 980
- *v.* Lake (60 Miss. 451) 1038
- Green *v.* Marks (25 Ill. 221) 1586
- *v.* Miller (6 Johns. [N. Y.] 39; 5 Am. Dec. 184) 848
- *v.* Muskingum County (23 Ohio Cir. Ct. R. 43) 2886
- *v.* New York (5 Abb. Pr. R. [N. Y.] 503) 144
- *v.* Oaks (17 Ill. 249) 1710
- *v.* Paul (60 Neb. 7; 82 N. W. 98) 441
- *v.* Portland (32 Me. 431) 1999
- *v.* Reading (9 Watts [Pa.] 382; 36 Am. Dec. 127) 1821, 1933, 2923, 2938
- *v.* Rutherford (1 Ves. 462) 1570
- *v.* Savannah (6 Ga. 1) 556, 1023, 1039
- *v.* Savannah (R. M. Charl. [Ga.] 368) 136, 1133, 2476
- *v.* Spencer (67 Iowa, 410; 25 N. W. 681) 2814
- *v.* Springfield (130 Ill. 515; 22 N. E. 602) 2549
- *v.* State (49 Tex. Crim. App. 380; 92 S. W. 847) 262, 278
- *v.* State Board of Canvassers (5 Idaho, 130; 47 Pac. 259; 95 Am. St. Rep. 169) 654
- *v.* Swift (47 Cal. 536) 556, 771
- *v.* Ward (82 Va. 324) 2398, 2451, 2595
- *v.* Wardwell (17 Ill. 278; 63 Am. Dec. 366) 680, 681
- Green Bay *v.* Brauns (50 Wis. 204; 6 N. W. 503) 872, 896, 1191
- Green Bay & M. Canal Co. *v.* Kaukauna Water Power Co. (70 Wis. 635; 35 N. W. 529; 36 N. W. 828) 2127
- *v.* Kaukauna W. P. Co. (90 Wis. 370; 61 N. W. 1121; 48 Am. St. Rep. 937; s. c. 93 Wis. 283; 63 N. W. 1019) 1595
- *v.* Patten Paper Co. (172 U. S. 58) 1625
- Green Bay Lumber Co. *v.* Odebolt School Dist. (121 Iowa, 663; 97 N. W. 72) 1265
- *v.* Thomas (106 Iowa, 420; 76 N. W. 749) 1275
- Greenberg *v.* Kingston (22 N. Y. Supp. 511; 67 Hun [N. Y.] 653) 2975
- Greenburg *v.* International Trust Co. (94 Fed. Rep. 755) 1401, 1540
- Greencastle *v.* Allen (43 Ind. 347) 1253
- *v.* Martin (74 Ind. 449; 39 Am. Rep. 93) 2903
- *v.* Thompson (168 Ind. 493; 81 N. E. 497) 943
- Green City *v.* Holsinger (76 Mo. App. 567) 1109
- Green County *v.* Conness (109 U. S. 104) 1406, 1408, 1526

## TABLE OF CASES CITED

163

[References are to pages]

<i>Green County v. Daniel</i> (102 U. S. 187) 1394	<i>Greensburg v. Laird</i> (138 Pa. 533; 21 Atl. 96) 2558
— <i>v. Shortell</i> (116 Ky. 108; 75 S. W. 251) 1473, 1508, 1531	— <i>v. Young</i> (53 Pa. 280) 2564, 2565, 2573
<i>Greene v. Aurora R. Co.</i> (157 Fed. Rep. 85) 2030	— <i>v. Zoller</i> (28 Ind. App. 126; 60 N. E. 1007) 1815
— <i>v. Essex</i> (44 N. J. Law, 388) 723, 734	<i>Greensburg v. Corwin</i> (58 Ind. 518) 977
— <i>v. Hotaling</i> (44 N. J. L. 347, aff'd 46 N. J. L. 207) 2432, 2577, 2614	<i>Green Township</i> (9 Watts & S. [Pa.] 22) 590
— <i>v. Hudson</i> (44 N. J. L. 388) 668, 791	<i>Greenville v. Anderson</i> (58 Ohio St. 463; 51 N. E. 41) 1311
— <i>v. Knox</i> (175 N. Y. 432; 67 N. E. 910, aff'g 76 N. Y. App. Div. 405; 78 N. Y. Supp. 779) 689, 823, 2748, 2780	— <i>v. Greenville Water Works Co.</i> (125 Ala. 625; 27 So. 764) 2113, 2130, 2167, 2292, 2294, 2297, 2298, 2299, 2300
— <i>v. Mumford</i> (5 R. I. 472; 73 Am. Dec. 79) 2787	— <i>v. Kemmis</i> (58 S. Car. 427; 36 S. E. 727) 972, 1110, 1111
— <i>v. New York</i> (60 N. Y. 303; s. c. 1 Hun [N. Y.] 29) 1197, 1225	— <i>v. Mason</i> (53 N. H. 515) 236, 625, 627
— <i>v. North Buffalo Tp.</i> (56 Pa. St. 110) 765	— <i>v. Pitts</i> (102 Tex. 1; 107 S. W. 50; 14 L. R. A. N. s. 979) 2911
— <i>v. O'Conner</i> (18 R. I. 56; 25 Atl. 692; 19 L. R. A. 262) 1563	<i>Greenville Water Co. v. Beckham</i> ([Tex. Civ. App.], 118 S. W. 889) 2302, 2304, 2910
— <i>v. Rienzi</i> (87 Miss. 463; 40 So. 17) 1374, 1380, 1385	<i>Greenwich v. Easton &amp; A. R. Co.</i> (24 N. J. Eq. 217; 25 N. J. Eq. 565) 1792
— <i>v. State</i> (8 Ohio, 310) 885	<i>Greenwich Ins. Co. v. Carroll</i> (125 Fed. Rep. 121) 2750
<i>Greene County v. Daniel</i> (102 U. S. 187) 2678, 2694	<i>Greenwood v. Freight Co.</i> (105 U. S. 13) 190
— <i>v. Eubanks</i> (80 Ala. 204) 63	— <i>v. La Salle</i> (137 Ill. 225; 26 N. E. 1089) 1893, 1896, 1901
— <i>v. Huff</i> (91 Ind. 333) 1754	— <i>v. Louisville</i> (13 Bush [Ky.] 226) 2884, 2893, 2894
<i>Greene Tp. v. Campbell</i> (16 Ohio St. 11) 610	— <i>v. Morrison</i> (128 Cal. 350; 60 Pac. 971) 1169, 1224
<i>Greenfield v. Black</i> (42 Ind. App. 645; 82 N. E. 797) 1145, 1148, 1200	— <i>v. State</i> (159 Ind. 267; 64 N. E. 849) 919
— <i>v. State</i> (113 Ind. 597; 15 N. E. 241) 2686	— <i>v. State</i> (6 Baxt. [Tenn.] 567; 32 Am. Rep. 539) 972, 1110
<i>Greenfield Gas Co. v. Trees</i> (165 Ind. 209; 75 N. E. 2) 2205, 2209	<i>Greenwood County v. Kansas City E. &amp; S. K. R. Co.</i> (46 Kan. 104; 26 Pac. 397) 1616
<i>Greenhood v. MacDonald</i> (183 Mass. 342; 67 N. E. 336) 2747	<i>Greer, In re</i> (58 Kan. 268; 48 Pac. 950) 334
<i>Greenhow v. Vashon</i> (81 Va. 336) 2479	— <i>v. Asheville</i> (114 N. Car. 678; 19 S. E. 635) 666
<i>Greenleaf v. Francis</i> (18 Pick. [Mass.] 117) 1059, 2307	— <i>v. Covington</i> (83 Ky. 410) 2479
— <i>v. Norridgwick</i> (82 Me. 62; 19 Atl. 91) 2815, 2816	— <i>v. Jackson</i> (127 Ga. 47; 56 S. E. 73) 945
<i>Greenough v. Pawtucket School Committee</i> (27 R. I. 427; 62 Atl. 978) 2796	— <i>v. New York City</i> (3 Robt. [N. Y.] 406) 1320
— <i>v. Wakefield</i> (127 Mass. 275) 566	<i>Greer County v. Clarke</i> (12 Okla. 197; 70 Pac. 206) 604, 1313
<i>Green River Asphalt Co. v. St. Louis</i> (188 Mo. 576; 87 S. W. 985) 1186	<i>Gregg v. Goodrich</i> (67 N. H. 543; 42 Atl. 240) 649
<i>Greensboro v. Ehrenreich</i> (80 Ala. 579; 2 So. 725; 60 Am. Rep. 130) 927, 1009, 1031	— <i>v. Hatcher</i> ([Ark.], 125 S. W. 1007; 27 L. R. A. N. s. 138) 2885
— <i>v. McGibbony</i> (93 Ga. 672; 20 S. E. 37) 2904, 2997	<i>Gregory v. Adams</i> (14 Gray [Mass.] 242) 2957, 2962, 3013
— <i>v. Mullins</i> (13 Ala. 341) 969, 996	
— <i>v. Scott</i> (138 N. Car. 181; 50 S. E. 589) 427	

[References are to pages]

- Gregory *v.* Ann Arbor (127 Mich. 454; 86 N. W. 1013) 1704, 1736, 2611  
 — *v.* Bridgeport (41 Conn. 76; 19 Am. Rep. 485) 463, 564, 565  
 — *v.* Forbes (96 N. Car. 77; 1 S. E. 541) 488  
 — *v.* Jersey City (34 N. J. L. 390) 918, 1140  
 — *v.* Lincoln (13 Neb. 352; 14 N. W. 423) 1722  
 — *v.* New York (40 N. Y. 273) 1028, 1038  
 — *v.* Small (39 Ohio St. 346) 772  
 Gregsten *v.* Chicago (145 Ill. 451; 34 N. E. 426; 36 Am. St. Rep. 496) 1873, 1874, 1875  
 Greist *v.* Amrhyn (80 Conn. 280; 68 Atl. 521) 1837  
 Grenada *v.* Wood (81 Miss. 308; 33 So. 173) 735, 986  
 Grenada County *v.* Brogden (112 U. S. 261) 232, 1461, 1466, 1524, 1525, 1528  
 Grether *v.* Wright (75 Fed. Rep. 742) 2437  
 Grey *v.* New York & P. Traction Co. (56 N. J. Eq. 463; 40 Atl. 91) 1958, 1959  
 — *v.* People (194 Ill. 486; 62 N. E. 894) 1217  
 — *v.* Town of Union (67 N. J. L. 363; 51 Atl. 482) 298  
 Gribben *v.* Metropolitan St. R. Co. (84 N. Y. Supp. 196) 2972  
 Gribble *v.* Sioux City (38 Iowa, 390) 3002  
 Gridley *v.* Bloomington (68 Ill. 47) 1871, 1874, 3029, 3031, 3032  
 — *v.* Bloomington (88 Ill. 554; 30 Am. Rep. 566) 1086, 2401, 2564, 2968  
 Gridley School Dist. *v.* Stout (134 Cal. 592; 66 Pac. 785) 771  
 Grieb *v.* Syracuse (94 N. Y. App. Div. 133; 87 N. Y. Supp. 1083) 729, 737  
 Grier *v.* Shackelford (3 Brevard [S. Car.] 491) 653  
 — *v.* Shackelford (Const. Rep. 642) 649, 1135  
 — *v.* Taylor (4 McCord [S. Car.] 206) 2729  
 Grierson *v.* Ontario (9 Upper Can. Q. B. 623) 903, 924  
 Griffin *v.* Boston (182 Mass. 409; 65 N. E. 811) 2960  
 — *v.* City Bank (58 Ga. 584) 1347  
 — *v.* Coleman (4 H. & N. 265) 676  
 — *v.* Gloversville (67 N. Y. App. Div. 403; 73 N. Y. Supp. 684) 902, 943, 1104  
 Griffin *v.* Goldsboro Water Co. (122 N. Car. 206; 30 S. E. 319; 41 L. R. A. 240) 2205, 2206, 2211, 2229, 2237, 2275, 2283  
 — *v.* Inman (57 Ga. 370) 446, 1347  
 — *v.* Kentucky Ins. Co. (3 Bush [Ky.] 592) 2450  
 — *v.* Martin (7 Barb. [N. Y.] 298) 1825  
 — *v.* Messenger (114 Iowa, 99; 86 N. W. 219) 837, 907  
 — *v.* Mississippi Levee Com'rs (71 Miss. 767; 15 So. 107) 764  
 — *v.* New York (9 N. Y. 456; 61 Am. Dec. 700) 2839, 2840, 2993, 3000, 3012, 3013, 3030, 3031  
 — *v.* Rising (2 Cush. [Mass.] 75) 1650  
 — *v.* Willow (43 Wis. 509) 3018  
 Griffin's Appeal (109 Pa. 150) 1713, 1714  
 Griffing *v.* Pintard (29 Miss. 173) 2488  
 Griffith *v.* Harries (2 M. & W. 335) 976  
 — *v.* Vicksburg Water Works Co. (88 Miss. 371; 40 So. 1011) 2239, 2241, 2242  
 Griffith Co. *v.* Los Angeles ([Cal.] 54 Pac. 383) 1230  
 Griffiths, *Ex parte* (118 Ind. 83; 20 N. E. 513) 148  
 Griffon *v.* New Orleans (5 Martin N. S. [La.] 279) 1076  
 Griggs *v.* Foote (4 Allen [Mass.] 195) 1660, 2810, 2880, 2922  
 Griggsry Const. Co. *v.* Freeman (108 La. 435; 32 So. 399) 2492  
 Grim *v.* Weissenberg School Dist. (57 Pa. 433; 98 Am. Dec. 237) 2636, 2830  
 Grimes *v.* Keene (52 N. H. 330) 765, 2902, 2905, 3021  
 Grimley *v.* Santa Clara County (68 Cal. 575; 9 Pac. 840) 2826  
 Grimm *v.* O'Connell (54 Cal. 522) 2485  
 Grimshawe *v.* Grand Trunk Ry. (19 Up. Can. Q. B. 493) 1659  
 Grindley *v.* Barker (1 Bos. & Pul. 236) 848, 849  
 — *v.* McKechnie (163 Mass. 494; 40 N. E. 764) 2913  
 Grinham *v.* Willey (4 H. & N. 496) 676  
 Griswold *v.* Bay City (35 Mich. 452) 1817, 1818  
 — *v.* East St. Louis (47 Ill. App. 480) 368, 385, 408  
 — *v.* Ludington (116 Mich. 401; 74 N. W. 663) 2817  
 — *v.* Pelton (34 Ohio St. 482) 2788  
 — *v.* Stonington (5 Conn. 367) 1240  
 Griswold College *v.* Davenport (65 Iowa, 633; 22 N. W. 904) 2363, 2366, 2368  
 — *v.* State (46 Iowa, 275) 2446

## TABLE OF CASES CITED

165

[References are to pages]

- Grocers' Co. v. Donne (3 Bing. [N. Car.] 34) 3054
- Groel v. Newark ([N. J. L.], 73 Atl. 522) 2603
- Groenvelt v. Burwell (1 Ld. Raym. 454) 2791
- Groff v. Frederick City (44 Md. 67) 2425
- Grogan v. Broadway Foundry Co. (87 Mo. 321) 2989
- v. Hayward (4 Fed. Rep. 161; 6 Sawyer C. C. 498) 1723, 1896
- v. San Francisco (18 Cal. 590) 144, 183, 187, 188, 222, 1195, 1590, 1760, 2823
- Gross v. Baltimore (111 Md. 543; 75 Atl. Rep. 346) 2647, 2657, 2662
- v. Grossdale (176 Ill. 572; 52 N. E. 370) 2623
- v. People (172 Ill. 571; 50 N. E. 334) 2452, 2453
- v. People (193 Ill. 260; 61 N. E. 1012; 86 Am. St. Rep. 322) 2625
- v. Portsmouth (68 N. H. 266; 33 Atl. 256; 73 Am. St. Rep. 586) 440, 2856
- Grossenbach v. Milwaukee (65 Wis. 31; 26 N. W. 182) 2966, 2985
- Grosse Pointe v. Detroit & L. St. G. R. Co. (130 Mich. 363; 90 N. W. 42) 1953, 1961, 2238
- v. Finn (134 Mich. 529; 96 N. W. 1078) 544, 1360
- Grossman v. Houston, O. L. & M. P. R. Co. (99 Tex. 641; 92 S. W. 836) 2028
- v. Oakland (30 Oreg. 478; 41 Pac. 5; 36 L. R. A. 593) 1038
- Groton v. Haines (36 N. H. 388) 3037
- Grove v. Allen (92 Iowa, 519; 61 N. W. 175) 1840
- v. Ft. Wayne (45 Ind. 429) 1880, 2953, 2987, 2988
- Grover v. Cornet (135 Mo. 21; 35 S. W. 1143) 1816, 1818
- v. Pembroke (11 Allen [Mass.] 88) 232
- Groves v. County Court (42 W. Va. 587; 26 S. E. 460) 298, 304
- Grube v. Nichols (36 Ill. 93) 1709, 1713, 1746
- v. St. Paul (34 Minn. 402; 26 N. W. 228) 2894
- Grugan v. Philadelphia (158 Pa. 337; 27 Atl. 1000) 1630
- Grumbine v. Washington (2 McArthur [D. C.] 578; 29 Am. Rep. 626) 2882, 2884
- Grunewald v. Cedar Rapids (118 Iowa, 222; 91 N. W. 1059) 368
- Grusenmeyer v. Loganport (76 Ind. 549) 108
- Guaranty Trust Co. v. New York (108 N. Y. App. Div. 192; 95 N. Y. Supp. 770) 2825
- Guardian Trust & Deposit Co. v. Fisher (200 U. S. 57; s. c. 115 Fed. Rep. 184) 2305
- Guelph v. Canada Co. (4 Grant [Can.] 632) 1712, 1763
- Guerin v. Reese (33 Cal. 292) 2479, 2488, 2594
- Guernsey v. Burlington Tp. (4 Dillon C. C. 372) 1365, 1641, 1642
- Guerrero, *In re* (69 Cal. 88; 10 Pac. 261) 945, 950, 1014
- Guest v. Brooklyn (69 N. Y. 506) 1656, 2567, 2748, 2773
- v. Church Hill (90 Md. 689; 45 Atl. 882) 3043
- Guild v. Andrews (137 Fed. Rep. 369) 1241, 1242
- v. Chicago (82 Ill. 472) 295, 306, 320, 2548
- v. Shedd (150 Mass. 255; 22 N. E. 896) 1726
- Guilder v. Otsego (20 Minn. 74) 216
- Guilford v. Chenango County (13 N. Y. 143) 221, 222, 225, 227, 630, 2315, 2498, 2752, 2773
- v. Minneapolis & St. L. R. Co. (94 Minn. 108; 102 N. W. 365) 1788, 1790
- Guillotte v. New Orleans (12 La. An. 432) 958, 990, 1082
- Guinn v. Eaves (117 Tenn. 524; 101 S. W. 1154) 1730
- Gulath v. St. Louis (179 Mo. 38; 77 S. W. 744) 3050, 3052
- Gulf & S. I. R. Co. v. Adams (90 Miss. 559; 45 So. 91) 2382, 2383
- v. Hewes (183 U. S. 66) 2383, 2449
- v. Seminary (81 Miss. 237; 32 So. 953) 119, 610
- Gulf, C. & S. F. R. Co. v. Bock (63 Tex. 245) 2014, 2028
- v. Eddins (60 Tex. 656) 2014, 2028, 2949
- v. Ellis (165 U. S. 150) 2466, 2468
- v. Fuller (63 Tex. 467) 2000, 2014, 2028, 2949
- v. Graves (1 Tex. Civ. App. C. § 579) 2949
- v. Holt (30 Tex. Civ. App. 330; 70 S. W. 591) 929
- v. Newell (73 Tex. 334; 11 S. W. 342; 15 Am. St. Rep. 788) 2028
- v. State (32 Tex. Civ. App. 1; 73 S. W. 429) 2335
- Gulf City R. Co. v. Gulf City St. R. Co. (63 Tex. 529) 2084
- Gulf City St. R. Co. v. Galveston City Ry. Co. (65 Tex. 502) 2084, 2085



[References are to pages]

- Gulf Coast Ice & Mfg. Co. v. Bowers* (80 Miss. 570; 32 So. 113) 1912
- Gulf Compress Co. v. Harris* (158 Ala. 343; 48 So. 477; 24 L. R. A. n. s. 399) 2260
- Gulick v. Connely* (42 Ind. 134) 1259
- *v. New* (14 Ind. 93) 641, 669, 1119
- Gullikson v. McDonald* (62 Minn. 278; 64 N. W. 812) 2884, 2886, 2916
- Gulline v. Lowell* (144 Mass. 491; 11 N. E. 723; 59 Am. Rep. 102) 2957, 2959
- Gundlach v. Hamm* (62 Minn. 42; 64 N. W. 50) 1790
- Gundling v. Chicago* (176 Ill. 340; 52 N. E. 44; 48 L. R. A. 230, aff'd 177 U. S. 183) 937, 940, 941, 1004
- Gunlack v. Montreal* (17 Rap. Jud. Que. C. S. 294) 3002, 3014, 3020
- Gunmakers, &c. v. Fell* (Willes, 384) 1011
- Gunn, In re* (50 Kan. 155; 32 Pac. 470, 948; 19 L. R. A. 519) 640, 842
- *v. White Sewing Mach. Co.* (57 Ark. 24; 20 S. W. 591; 18 L. R. A. 206; 38 Am. St. Rep. 223) 2327
- Gunnarssohn v. Sterling* (92 Ill. 569) 1016, 1017
- Gunning v. People* (189 Ill. 165; 59 N. E. 494; 82 Am. St. Rep. 433) 441
- *v. People* (86 Ill. App. 676) 441
- *v. Sheahan* (73 Ill. App. 118) 2707
- Gunning System v. Buffalo* (75 N. Y. App. Div. 31; 77 N. Y. Supp. 987) 1067, 1068
- Gunnison v. Board of Education* (176 N. Y. 11; 68 N. E. 106, aff'g 80 N. Y. App. Div. 480; 81 N. Y. Supp. 181) 737, 2889
- Gunnison County v. Rollins* (173 U. S. 255, rev'g 49 U. S. App. 399; 80 Fed. Rep. 692) 346, 387, 389, 390, 391, 392, 393, 396, 402, 1238, 1357, 1427, 1430, 1433, 1435, 1436, 1446, 1448, 1449, 1451, 1453, 1455, 1456, 1457, 1458, 1462, 1463, 1469, 1475, 1505, 1506
- Gunn's Adm. v. Pulaski County* (3 Ark. 427) 2655, 2675
- Gunter v. Fayetteville* (56 Ark. 202; 19 S. W. 577) 616
- Gurley v. New Orleans* (124 La. 390; 50 So. 411) 2605
- Gurner v. Chicago* (40 Ill. 165) 2580, 2581, 2638
- Gurney v. Rockport* (93 Me. 360; 45 Atl. 310) 2956, 2997, 3019
- Gurnsey v. Edwards* (26 N. H. 224) 882
- Gurnsey v. Northern Cal. Power Co.* (7 Cal. App. 534; 94 Pac. 858) 1912
- Gushee v. New York City* (42 N. Y. App. Div. 37; 58 N. Y. Supp. 967, aff'g 26 N. Y. Misc. 287; 56 N. Y. Supp. 1002) 1594
- Gustafson v. Hamm* (56 Minn. 334; 57 N. W. 1054; 22 L. R. A. 565) 1872, 1993, 1998, 2013
- Gusthal v. Strong* (23 N. Y. App. Div. 315; 48 N. Y. Supp. 652) 2777, 2779, 2780
- Gutheil v. New York* (119 N. Y. App. Div. 20; 103 N. Y. Supp. 972) 737
- Guthrie v. Armstrong* (5 Barn. & Ald. 628) 648
- *v. New Haven* (31 Conn. 308) 1728, 1803
- *v. New Vienna Bank* (4 Okl. 194; 38 Pac. 4) 342, 345, 353, 402, 403
- *v. Territory* (1 Okl. 188; 31 Pac. 190; 21 L. R. A. 841) 342
- *v. Wylie* (6 Okl. 61; 55 Pac. 103) 121, 122
- Guthrie National Bank v. Guthrie* (173 U. S. 528) 223, 334
- Gutta-Percha & Rubber Mfg. Co. v. Ogalalla* (40 Neb. 775; 59 N. W. 513; 42 Am. St. Rep. 696) 1155, 1178, 1191
- Guttery v. Glenn* (201 Ill. 275; 66 N. E. 305) 1754
- Gutzweller z. People* (14 Ill. 142) 144, 178
- Guy v. Baltimore* (100 U. S. 434) 2337
- Gwynn v. Homan* (15 Ind. 201) 1706
- Gwynne v. Cincinnati* (3 Ohio, 25) 1703
- *v. Rees* (2 Upper Can. P. R. 282) 608
- Haag v. Vanderburgh County* (60 Ind. 511) 1037, 2869, 2871, 2872, 2896
- Haas v. Evansville* (20 Ind. App. 482; 50 N. E. 46; 51 N. E. 105) 1817
- *v. Missionary Society* (6 N. Y. Misc. 281; 26 N. Y. Supp. 868) 2897
- Haase, Matter of* (88 N. Y. App. Div. 242; 85 N. Y. Supp. 462) 171
- Haberlil v. Boston* (190 Mass. 358; 76 N. E. 907; 4 L. R. A. n. s. 571) 1866
- Haberman v. Baker* (128 N. Y. 253; 28 N. E. 370; 13 L. R. A. 611) 1845
- Habersham County v. Porter Co.* (103 Ga. 613; 30 S. E. 547) 364



## TABLE OF CASES CITED

167

[References are to pages]

- Hackett v. Campbell* (10 N. Y. App. Div. 523; 42 N. Y. Supp. 47) 1276  
 — *v. Ottawa* (99 U. S. 86) 457, 1258, 1358, 1420, 1456, 1461, 1484, 1506, 2390  
*Hackettstown v. Mt. Olive* (63 N. J. L. 191; 42 Atl. 838) 2433  
 — *v. Swackhamer* (37 N. J. L. 191) 522, 532, 542, 543, 1340  
*Hackney Election* (31 L. T. N. s. 69) 644  
*Hackworth v. Ottumwa* (114 Iowa, 467; 87 N. W. 424) 2491, 2526  
*Haddock's Case* (T. Raym. 439) 797  
*Hadley v. Albany* (33 N. Y. 603; 88 Am. Dec. 412) 649, 650, 653, 812  
 — *v. Chamberlain* (11 Vt. 618) 878  
 — *v. Dague* (130 Cal. 207; 62 Pac. 500) 2524, 2630  
 — *v. Peabody* (13 Gray [Mass.] 200) 471, 742  
 — *v. Taylor* (L. R. 1 C. P. 53) 3029  
*Hadsell v. Hancock* (3 Gray [Mass.] 526) 564, 832  
*Haefelin v. McDonald* (96 N. Y. App. Div. 213; 89 N. Y. Supp. 395) 3025  
*Haeussler v. St. Louis* (205 Mo. 656; 103 S. W. 1034) 521, 1567, 1603  
*Hafford v. New Bedford* (16 Gray [Mass.] 297) 2847, 2849, 2880, 2884, 2894, 2895, 2899, 2906  
*Hafner v. St. Louis* (161 Mo. 34; 61 S. W. 632) 510, 521, 1567, 1575, 1580  
*Hagan v. Campbell* (8 Port. [Ala.] 9; 33 Am. Dec. 267) 490, 501  
*Hagar v. Reclamation Dist. No. 108* (111 U. S. 701) 2359, 2363, 2364, 2369, 2501  
 — *v. Yolo County* (47 Cal. 222) 2311  
*Hagemeyer, Matter of* (113 N. Y. App. Div. 472; 99 N. Y. Supp. 369) 2484, 2624, 2635  
*Hager v. Burlington* (42 Iowa, 661) 2452, 2596, 2603  
 — *v. Gast* (119 Ky. 502; 84 S. W. 556) 271, 310, 2435  
*Hagerstown v. Dechert* (32 Md. 369) 1119, 2850  
 — *v. Groh* (101 Md. 560; 61 Atl. 467) 1608  
 — *v. Klotz* (93 Md. 437; 49 Atl. 836; 54 L. R. A. 940) 2841, 2842  
 — *v. Witmer* (86 Md. 293; 37 Atl. 965; 39 L. R. A. 649) 1101, 1103  
*Hagerstown Street Com'rs v. Williams* (96 Md. 232; 53 Atl. 923) 792, 799  
*Haggard v. Algona Independent School Dist.* (113 Iowa, 486; 85 N. W. 777) 1678  
*Haggerty v. Lewiston* (95 Me. 374; 50 Atl. 55) 2960  
*Hagner v. Heyberger* (7 Watts & Serg. [Pa.] 104; 42 Am. Dec. 220) 653, 838, 2729, 2751  
*Hague v. Philadelphia* (48 Pa. St. 527) 31, 1156, 1180, 1191, 1194, 1195, 1230, 1236, 1285  
*Haight v. Elmira* (42 N. Y. App. Div. 391; 59 N. Y. Supp. 193) 2967  
 — *v. Keokuk* (4 Iowa, 199) 484, 511, 1702, 1831  
 — *v. Love* (39 N. J. L. 14) 792  
 — *v. New York* (24 Fed. Rep. 93) 2881, 2885, 2894, 2899  
*Haines v. Lewiston* (84 Me. 18; 24 Atl. 430) 3014  
 — *v. Readfield School Dist.* (41 Me. 246) 831, 2828  
*Haisch v. Seattle* (10 Wash. 435; 38 Pac. 1131) 2630  
 — *v. State* (10 Wash. 435; 38 Pac. 1131) 2451  
*Haisten v. Glower* (114 Ga. 992; 41 S. E. 48) 2460  
*Halbert v. State* (22 Ind. 125) 763, 764  
*Halbut v. Forrest City* (34 Ark. 246) 1172, 1179  
*Hale v. Bischoff* (53 Kans. 301; 36 Pac. 752) 667, 843  
 — *v. Cushman* (6 Met. [Mass.] 425) 2774  
 — *v. Houghton* (8 Mich. 458) 562, 1139, 2132  
 — *v. Kenosha* (29 Wis. 599) 2407, 2447, 2576  
 — *v. People* (87 Ill. 72) 566, 2389  
 — *v. Worstell* (185 N. Y. 247; 77 N. E. 1177; 113 Am. St. Rep. 895, aff'g 107 N. Y. App. Div. 624; 95 N. Y. Supp. 1131) 709, 710  
*Haley v. Alton* (152 Ill. 113; 38 N. E. 750) 2628  
 — *v. Boston* (191 Mass. 291; 77 N. E. 888; 5 L. R. A. N. s. 1005) 1024, 1025, 2900  
 — *v. Philadelphia* (68 Pa. 45; 8 Am. Rep. 153) 1660  
*Haliburton v. Frankford* (14 Mass. 214) 1176  
*Hall, In re* (10 Neb. 537; 7 N. W. 287) 920  
 — *v. Austin* (73 Minn. 134; 75 N. W. 1121) 2880, 3016  
 — *v. Baker* (74 Wis. 118; 42 N. W. 109) 1239, 1240  
 — *v. Baltimore* (56 Md. 195) 1717, 1742  
 — *v. Boston Street Com'rs* (177 Mass. 434; 59 N. E. 68) 2617, 2637

[References are to pages]

- Hall v. Breyfogle* (162 Ind. 494;  
70 N. E. 883) 1716, 1720, 1730,  
1742, 1787, 1896  
 — *v. Bristol* (L. R. 2 C. P. 322) 1611,  
2932, 2934, 2944  
 — *v. Buffalo* (1 Keyes [N. Y.]  
193) 1278  
 — *v. Cedar Rapids* (115 Iowa,  
199; 88 N. W. 448) 364, 2141  
 — *v. Chippewa Falls* (47 Wis.  
267; 2 N. W. 279) 1258  
 — *v. Cockrell* (28 Ala. 507) 777  
 — *v. Commonwealth* (101 Ky.  
382; 41 S. W. 2) 943  
 — *v. Concord* (71 N. H. 367;  
52 Atl. 864) 2880  
 — *v. Dunn* (52 Oreg. 475; 97  
Pac. 811; 25 L. R. A. n. s. 193) 2886  
 — *v. Jackson County* (95 Ill.  
352) 1318, 1319  
 — *v. Kansas City* (54 Mo. 598)  
2970  
 — *v. Kauffman* (106 Cal. 451;  
39 Pac. 756) 1725  
 — *v. Lebanon* (31 Ind. App. 265;  
67 N. E. 703) 1841  
 — *v. London, Chatham & Dover*  
R. Co. (14 L. T. N. s. 351) 1658  
 — *v. Lowell* (10 Cush. [Mass.]  
260) 2967, 3021  
 — *v. McCaughey* (51 Pa. St. 43)  
1788, 1791  
 — *v. Manchester* (39 N. H. 295) 678  
 — *v. Manchester* (40 N. H. 410)  
2968, 2978  
 — *v. Mann* (96 Ill. App. 659) 2709  
 — *v. Marysville* (19 Cal. 391) 2432  
 — *v. Meriden* (48 Conn. 416) 1725,  
1728, 1732, 1733, 1734  
 — *v. Middlesex County* (10  
Allen [Mass.] 100) 2439  
 — *v. Miller* (102 Tex. 289; 115  
S. W. 1168) 2410  
 — *v. Moore* ([Neb.], 92 N. W.  
294) 2485  
 — *v. New Orleans* (19 Fed. Rep.  
870) 1349  
 — *v. Norwalk* (65 Conn. 310;  
32 Atl. 400) 2997  
 — *v. People* (57 Ill. 307) 2708, 2710  
 — *v. Rushing* (21 Tex. Civ. App.  
631; 54 S. W. 30) 441  
 — *v. Smith* (2 Bing. 156) 776  
 — *v. Somersworth* (39 N. H.  
511) 2648  
 — *v. State* (39 Fla. 637; 23 So.  
119) 2323  
 — *v. State* (20 Ohio, 8) 1783  
 — *v. Staunton* (55 W. Va. 684;  
47 S. E. 265) 2707  
*Hall Incorporated Co. v. Jersey*  
*City* (64 N. J. Eq. 766; 53 Atl.  
481) 1274, 1275, 1276  
*Hall Lith. Co. v. Roger Mills*  
*County* (8 Okla. 378; 52 Pac.  
620) 402, 403  
*Halleck v. Boylston* (117 Mass.  
469) 877, 881  
*Hallenbeck v. Hahn* (2 Neb. 377) 571  
*Haller v. St. Louis* (176 Mo. 606;  
75 S. W. 613) 1849  
 — *v. Sheridan* (27 Ind. 494) 1103  
*Halleran v. Bell Tel. Co.* (64 N. Y.  
App. Div. 41; 71 N. Y. Supp.  
685, aff'd 177 N. Y. 533; 69  
N. E. 1124) 1930, 1931  
*Hallett v. United States Sec. &*  
*Bond Co.* (40 Colo. 281; 90  
Pac. 683) 947  
*Hallgren v. Campbell* (82 Mich.  
255; 46 N. W. 381; 9 L. R. A.  
408) 292, 810, 874  
*Hallock v. Columbus* (1 Ohio N.  
P. N. s. 205) 2764  
 — *v. Lebanon* (215 Pa. 1; 64  
Atl. 362) 906  
*Halloway v. Police Jury* (16 La.  
An. 203) 2379  
*Hallowell & A. Bank v. Hamlin,*  
14 Mass. 178) 889, 988  
*Hallum v. Omro* (122 Wis. 337;  
99 N. W. 1051) 3014  
*Halpin v. Kansas City* (76 Mo.  
335) 2963, 3032  
*Halsey v. Belle Plains* (128 Iowa,  
467; 104 N. W. 494) 342, 404  
 — *v. Gaines* (2 Lea [Tenn.] 316) 730  
 — *v. Lake View* (188 Ill. 540;  
59 N. E. 234) 2453  
 — *v. Newark* (54 N. J. L. 102;  
23 Atl. 284) 897  
 — *v. Nowrey* (71 N. J. L. 481;  
59 Atl. 449) 274, 275, 1401, 2654  
 — *v. Rapid Transit St. R. Co.*  
(47 N. J. Eq. 380; 20 Atl. 859) 896,  
1912, 2007, 2008  
*Halstead v. New York* (3 N. Y.  
430; s. c. 5 Barb. [N. Y.] 218) 563,  
1180, 1182, 1246, 1295, 1296  
 — *v. Warsaw* (43 N. Y. App.  
Div. 39; 59 N. Y. Supp. 518)  
2977  
*Ham v. Boston Board of Police*  
(142 Mass. 90; 7 N. E. 540) 792,  
793, 808  
 — *v. Lewiston* (94 Me. 265; 47  
Atl. 548) 2972, 3002, 3019  
 — *v. Miller* (20 Iowa, 450) 2483  
 — *v. New York City* (70 N. Y.  
459) 2881, 2889  
 — *v. Salem* (10 Mass. 350) 1633,  
1636  
*Hambel v. Davis* (89 Tex. 256; 34  
S. W. 439; 59 Am. St. Rep. 46) 441  
*Hambleton v. Dexter* (89 Mo. 188;  
1 S. W. 234) 591, 2678

[References are to pages]

- Hamby v. Dawson Springs** (126 Ky. 451; 104 S. W. 259; 12 L. R. A. n. s. 1164) 1830
- Hamden v. New Haven & N. R. Co.** (27 Conn. 158) 2081
- *v. Rice* (24 Conn. 350) 1568, 1576
- Hamerick v. Rouse** (17 Ga. 56) 2754
- Hamersley v. New York** (56 N. Y. 533) 1652
- Hamilton, Matter of** (148 N. Y. 310; 42 N. E. 717) 2432, 2433
- *v. Buffalo* (173 N. Y. 72; 65 N. E. 944) 2961
- *v. Buffalo* (55 N. Y. App. Div. 423; 66 N. Y. Supp. 990) 2969
- *v. Carthage* (24 Ill. 22) 121, 984
- *v. Chicago, B. & Q. R. Co.* (124 Ill. 235; 15 N. E. 854) 1688, 1718, 1724, 1741, 1742
- *v. Chopard* (9 Wash. 352; 37 Pac. 472) 1221, 2454
- *v. Columbus* (52 Ga. 435) 3054
- *v. Detroit* (85 Minn. 83; 88 N. W. 419) 2770
- *v. Dubuque* (50 Iowa, 213) 2835
- *v. Fort Wayne* (40 Ind. 491) 2375
- *v. Gambell* (31 Oreg. 328; 48 Pac. 433) 1272
- *v. McNeil* (13 Gratt. [Va.] 389) 613, 617
- *v. Newcastle & D. R. Co.* (9 Ind. 359) 1172, 1294, 1598
- *v. New York & H. R. Co.* (9 Paige [N. Y.] 171) 1999
- *v. Owego* (42 N. Y. App. Div. 312; 59 N. Y. Supp. 103) 1712
- *v. People* (194 Ill. 133; 62 N. E. 533) 1217
- *v. San Diego County* (108 Cal. 273; 41 Pac. 305) 121
- *v. State* (3 Ind. 452) 2654, 2708, 2787
- *v. State* (3 Tex. App. 643) 969, 972
- *v. Wainwright* (52 N. J. Eq. 419; 29 Atl. 200) 3043
- Hamilton County v. Garrett** (62 Tex. 602) 67, 2849
- *v. Mighels* (7 Ohio St. 109) 63, 64, 65, 451, 2857, 2866, 2950
- *v. Montpelier Sav. Bank* (157 Fed. Rep. 19) 380, 389, 406, 1238, 1453, 1496, 1505
- *v. Newlin* (132 Ind. 27; 31 N. E. 465) 1226
- *v. Rape* (101 Tenn. 222; 47 S. W. 416) 1699
- *v. Sherwood* (64 Fed. Rep. 103) 1283, 1294
- *v. State* (115 Ind. 64; 17 N. E. 855) 1403
- *v. Webb* (47 Kan. 104; 27 Pac. 825) 1243
- Hamilton, G. & C. T. Co. v. Parish** (67 Ohio St. 181; 65 N. E. 1011) 1846, 1966
- Hamilton Gas Light and Coke Co. v. Hamilton** (146 U. S. 258) 918, 2149, 2158
- Hamlin v. Biddeford** (95 Me. 308; 49 Atl. 1100) 182, 3054, 3055, 3057
- *v. Dingman* (5 Lans. [N. Y.] 61) 842
- *v. Norwich* (40 Conn. 13) 1767
- *v. Pairpoint Mfg. Co.* (141 Mass. 51; 6 N. E. 531) 486
- Hamline v. Southern R. Co.** (76 Miss. 410; 25 So. 295) 1768
- Hammar v. Covington** (3 Met. [Ky.] 494) 773, 2662, 2803
- Hammer v. State** (44 N. J. L. 667) 274, 296
- Hammerslough v. Kansas City** (46 Kan. 37; 26 Pac. 496) 2599
- *v. Kansas City* (57 Mo. 219) 1657
- Hammett v. Philadelphia** (65 Pa. 146; 3 Am. Rep. 615) 2494, 2495, 2517, 2539, 2540, 2557, 2569, 2581, 2582
- Hammock v. Tacoma** (40 Wash. 539; 82 Pac. 893) 2820
- Hammond v. Evans** (23 Ind. App. 501; 55 N. E. 784) 1295
- *v. Haines* (25 Md. 541; 90 Am. Dec. 77) 128, 446, 1012
- *v. Leavit* (181 Ill. 416; 54 N. E. 982) 2595
- *v. McLachlan* (1 Sandf. [N. Y.] 323) 1719
- *v. Maher* (30 Ind. App. 286; 65 N. E. 1055) 1725, 1728
- *v. New York & St. L. R. Co.* (126 Ind. 597; 27 N. E. 130) 977
- *v. New York C. & St. L. R. Co.* (5 Ind. App. 526; 31 N. E. 817) 977
- *v. Shepard* (186 Ill. 235; 57 N. E. 867; 78 Am. St. Rep. 274) 1888
- *v. Tarver* (11 Tex. Civ. App. 48; 31 S. W. 841) 2028
- Hampshire v. Franklin** (16 Mass. 76) 185, 621, 626, 627, 629
- Hampshire County, Petitioner** (143 Mass. 424; 9 N. E. 756) 2588
- Hampson v. Paterson** (36 N. J. L. 159) 2537, 2611
- *v. Taylor* (15 R. I. 83; 8 Atl. 331; 23 Atl. 732) 2971
- Hampton v. Chicago, M. & St. P. R. Co.** (118 Ill. App. 621; s. c. 125 Ill. App. 412) 954, 956
- *v. Clinton Water & Supply Co.* (65 N. J. L. 158; 46 Atl. 650) 1646
- *v. Kansas City* (74 Mo. App. 129) 2929

[References are to pages]

- Hamsworth *v.* Boston (121 Mass. 173) 2663  
 Hamtramck *v.* Rapid R. Co. (122 Mich. 472; 81 N. W. 337) 1905, 1907  
 Hancock *v.* Bowman (49 Cal. 413) 2488  
 — *v.* Chicot Co. (32 Ark. 575) 1536  
 — *v.* Hazzard (12 Cush. [Mass.] 112; 59 Am. Dec. 171) 762, 763  
 — *v.* Louisville & N. R. Co. (145 U. S. 409) 2316  
 — *v.* Yaden (121 Ind. 366; 23 N. E. 253; 16 Am. St. Rep. 396) 205, 208  
 Hancock County *v.* Clark (27 Ill. 305) 584  
 Hancock Mut. L. Ins. Co. *v.* Huron (80 Fed. Rep. 652, aff'd 100 Fed. Rep. 1001) 419  
 — *v.* Warren (181 U. S. 73) 2353  
 Hand *v.* Brookline (126 Mass. 324) 2135, 2845, 2905, 2912  
 — *v.* Elizabeth (31 N. J. L. 547, aff'g 30 N. J. L. 176) 2538, 2611  
 — *v.* Newton (92 N. Y. 88) 1594  
 — *v.* St. Louis (158 Mo. 204; 59 S. W. 92) 1762, 1764  
 Handley *v.* Palmer (103 Fed. Rep. 39, aff'g 91 Fed. Rep. 948) 1569, 1577  
 Handy *v.* Collins (60 Md. 229; 45 Am. Rep. 725) 2405, 2593  
 — *v.* New Orleans (39 La. An. 107; 1 So. 593) 2763, 2766, 2768  
 Haney *v.* Kansas City (94 Mo. 334; 7 S. W. 417) 2969  
 — *v.* Pinckney (155 Mich. 656; 119 N. W. 1099) 2821  
 Hanford *v.* St. Paul & D. R. Co. (43 Minn. 104; 42 N. W. 596; 44 N. W. 1144) 487  
 Hanger *v.* Des Moines (52 Iowa, 193; 2 N. W. 1105; 35 Am. Rep. 266) 450, 551  
 — *v.* Des Moines (109 Iowa, 480; 80 N. W. 549) 1713, 1744  
 Hang Kie, Matter of (69 Cal. 149; 10 Pac. 327) 1015  
 Haniford *v.* Kansas City (103 Mo. 172; 15 S. W. 753) 3016  
 Hankins *v.* People (106 Ill. 628) 972, 1110  
 Hanley *v.* Huntington (37 W. Va. 578; 16 S. E. 807) 2975  
 Hanlon *v.* Keokuk (7 Iowa, 477) 3018  
 — *v.* Partridge (69 N. H. 88; 44 Atl. 807) 771, 774  
 — *v.* Westchester County (57 Barb. [N. Y.] 383) 170  
 Hanna *v.* Allen County (8 Blackf. [Ind.] 352) 2315  
 — *v.* Wright (116 Iowa, 275; 89 N. W. 1108) 866, 870  
 Hannah *v.* Fife (27 Mich. 172) 1166  
 — *v.* Metropolitan St. R. Co. (81 Mo. App. 78) 2030  
 Hannewinkle *v.* Georgetown (15 Wall. [U. S.] 548) 1656, 2748, 2787, 2788  
 Hannibal *v.* Campbell (86 Fed. Rep. 297) 2962  
 — *v.* Draper (15 Mo. 634) 1702, 1716, 1755, 1793  
 — *v.* Fauntleroy (105 U. S. 408) 1429  
 — *v.* Hannibal & St. J. R. Co. (49 Mo. 480) 1613, 1804, 1820  
 — *v.* Missouri & K. Tel. Co. (31 Mo. App. 23) 928  
 — *v.* Richards (82 Mo. 330) 1035, 1038, 2563  
 — *v.* Winchell (54 Mo. 172) 512  
 Hannibal & St. J. R. Co. *v.* Husen (95 U. S. 465) 557  
 — *v.* Marion County (36 Mo. 294) 463, 1536  
 — *v.* Missouri R. Packet Co. (125 U. S. 260) 1970  
 — *v.* Shacklett (30 Mo. 550) 2444, 2445  
 — *v.* Totman (149 Mo. 657; 51 S. W. 412) 1899  
 Hannon *v.* Agnew (96 N. Y. 439) 2883, 2884  
 — *v.* Grizzard (89 N. Car. 115) 636  
 — *v.* Grizzard (96 N. Car. 293; 2 S. E. 600) 771  
 — *v.* Halifax County (89 N. Car. 123) 2667  
 — *v.* St. Louis County (62 Mo. 313) 68, 2859, 2865, 2866, 2880, 2913, 2916  
 Hannum *v.* Media, M., A. & C. Elect. R. Co. (200 Pa. 44; 49 Atl. 789) 1991  
 Hanover *v.* Eaton (3 N. H. 38) 1176  
 Hanscom *v.* Boston (141 Mass. 242; 5 N. E. 249) 2955, 2963, 3016  
 — *v.* Omaha (11 Neb. 37; 7 N. W. 739) 2399, 2494, 2530, 2566, 2616  
 Hanson *v.* Eastman (21 Minn. 509) 1689, 1722, 1723, 1743, 1746  
 — *v.* Hunter (86 Iowa, 722; 48 N. W. 1005; 53 N. W. 84) 918, 2140  
 — *v.* St. Mary Par. Police Jury (116 La. 1080; 41 So. 321) 2652  
 — *v.* Vernon (27 Iowa, 28; 1 Am. Rep. 215) 147, 570, 573, 582, 1364, 1641, 2312, 2318, 2319  
 Hanson County *v.* Gray (12 S. Dak. 124; 80 N. W. 175; 76 Am. St. Rep. 591) 2479  
 Haramon *v.* Krause (93 Minn. 455; 101 N. W. 791) 1899  
 Harbaugh *v.* Winsor (38 Mo. 327) 1370

## TABLE OF CASES CITED

171

[References are to pages]

- Harbeck v. Toledo* (11 Ohio St. 219) 1644, 1646, 1647, 1648  
*Harbison v. Knoxville Water Co.* ([Tenn. Ch. App.], 53 S. W. 992) 2205, 2218  
*Harbor Line Com'rs v. State* (2 Wash. 530; 27 Pac. 550) 494, 501, 503  
*Harbor-Master v. Southerland* (47 Ala. 511) 475  
*Harcourt v. Asbury Park* (62 N. J. L. 158; 40 Atl. 690) 463  
*Hardcastle v. Maryland & Del. R. Co.* (32 Md. 32) 2649, 2650  
—— *v. South Yorkshire R. Co.* (4 H. & N. 67) 3029, 3032  
—— *v. State* (27 N. J. L. 552) 830  
*Hardee v. Brown* (56 Fla. 377; 47 So. 834) 2331, 2343  
*Harden v. Metz* (62 Kan. 867; 63 Pac. 1126) 1688  
*Hardenbrook v. Ligonier* (95 Ind. 70) 977, 984  
*Harder v. Minneapolis* (40 Minn. 446; 42 N. W. 350) 2820  
*Harder's Storage Co. v. Chicago* (235 Ill. 58; 85 N. E. 245) 1770, 1850  
*Hardesty v. Mount Eden* ([Ky.], 86 S. W. 687) 614  
*Hardin v. Jordan* (140 U. S. 371) 482  
*Hardin County v. McFarlan* (82 Ill. 138) 537, 1338, 1339, 1494  
*Harding v. Bader* (75 Mich. 316; 42 N. W. 942) 865, 870  
—— *v. Boston* (163 Mass. 14; 39 N. E. 411) 3026  
—— *v. Hale* (61 Ill. 192) 1709, 1713  
—— *v. Rockford R. I. & St. L. R. Co.* (65 Ill. 90) 584, 585, 641, 1339, 1537  
—— *v. Vandewater* (40 Cal. 77) 865  
*Hardman v. Cabot* (60 W. Va. 664; 55 S. E. 756; 7 L. R. A. n. s. 506) 1914  
*Hardwick v. Wolcott School Dist.* (78 Vt. 23; 61 Atl. 471) 1184  
*Hardy v. Brooklyn* (90 N. Y. 435; 43 Am. Rep. 182) 3054  
—— *v. Gainsville* (121 Ga. 327; 48 S. E. 921) 1147, 1148  
—— *v. Keene* (52 N. H. 370) 2856, 2956, 2962, 2969, 2988  
—— *v. McCullough* (23 Gratt. [Va.] 251) 489  
—— *v. Memphis* (10 Heisk. [Tenn.] 127) 1736  
—— *v. Orange* (61 N. J. L. 620; 42 Atl. 581) 713  
—— *v. Waltham* (3 Met. [Mass.] 163) 76, 560  
*Hare v. Kennerly* (83 Ala. 608; 3 So. 683) 597, 599, 2315, 2317, 2398  
*Harker v. New York* (17 Wend. [N. Y.] 199) 979, 980  
*Harkins v. Asheville* (123 N. Car. 636; 31 S. E. 853) 1649  
—— *v. Sencerbox* (2 Minn. 344) 2722  
*Harlan v. State* (136 Ala. 150; 33 So. 858) 2392  
*Harlem Gas Co. v. New York* (33 N. Y. 309) 1197, 1200, 1202, 1203, 1204, 1211, 2762  
*Harlow v. Beaver Falls* (188 Pa. 263; 41 Atl. 533) 2170  
—— *v. Humiston* (6 Cow. [N. Y.] 189) 3028, 3031  
*Harman v. Lynchburg* (33 Gratt. [Va.] 37) 2847, 2885  
—— *v. People* (214 Ill. 454; 73 N. E. 760) 2600, 2623  
—— *v. St. Louis* (137 Mo. 494; 38 S. W. 1102) 2840, 2843  
—— *v. Tappenden* (3 Espin. 278) 819  
—— *v. Tappenden* (1 East. 555) 811  
*Harmiston v. Lewistown* (153 Ill. 313; 38 N. E. 628; 46 Am. St. Rep. 893) 1044, 1046, 1048  
*Harmon v. Chicago* (147 U. S. 396) 513  
—— *v. Chicago* (110 Ill. 400; 51 Am. Rep. 698) 1054  
—— *v. Chicago* (140 Ill. 374; 29 N. E. 732) 985, 989  
—— *v. Madison County* (153 Ind. 68; 54 N. E. 105) 259, 283  
—— *v. Omaha* (17 Neb. 548; 23 N. W. 503; 52 Am. Rep. 420) 2925, 2948  
—— *v. Omaha* (53 Neb. 164; 73 N. W. 671) 2596, 2602  
*Harmony Tp. v. Osborne* (9 Ind. 558) 885, 2399  
*Harn v. Dadeville* (100 Ala. 199; 14 So. 9) 1723, 1896, 1902  
*Harness v. Chesapeake & O. Canal Co.* (1 Md. Ch. Dec. 248) 1657  
*Harney v. Benson* (113 Cal. 314; 45 Pac. 687) 2615  
—— *v. Indianapolis* (32 Ind. 244) 2769, 2770  
*Harniss v. Bulpitt* (1 Cal. App. 140; 81 Pac. 1022) 1788, 1790  
*Harpending v. Haight* (39 Cal. 189; 2 Am. Rep. 432) 2660  
*Harper v. Dowdney* (113 N. Y. 644; 21 N. E. 63) 2489  
—— *v. Elberton* (23 Ga. 566) 2406  
—— *v. Ely* (70 Ill. 581) 1398  
—— *v. Grand Rapids* (105 Mich. 551; 63 N. W. 517) 2629  
—— *v. Kopp* ([Ky.], 73 S. W. 1127) 3012  
—— *v. Milwaukee* (30 Wis. 365) 1038, 2914, 2957, 2975, 3000, 3025, 3046, 3054



[References are to pages]

Harper v. New Hanover County (133 N. Car. 106; 45 S. E. 526)	2503	Harris v. Macomb (213 Ill. 47; 72 N. E. 762)	2592
— v. Williams (110 N. Y. 260; 18 N. E. 77)	479	— v. Mobbs (L. R. 3 Ex. D. 268)	1859
Harper's Appeal (109 Pa. St. 9; 1 Atl. 791)	990, 2631	— v. Nesbitt (24 Ala. 398)	519, 2738
Harper's Ferry v. Kaplon (58 W. Va. 482; 52 S. E. 492)	1725	— v. Newbury (128 Mass. 321)	2963
Harper County v. Rose (140 U. S. 71)	126, 1461	— v. People (18 Colo. App. 160; 70 Pac. 699)	837
Harpwell v. Phippsburgh (29 Me. 313)	765	— v. People (218 Ill. 439; 75 N. E. 1012)	908, 2517, 2549, 2552, 2553
Harrell v. Storrie ([Tex. Civ. App.], 47 S. W. 838)	2537	— v. People (59 N. Y. 599)	138
Harrigan v. Brooklyn (119 N. Y. 156; 23 N. E. 741)	2814	— v. Roof's Executors (10 Barb. [N. Y.] 489)	1151
— v. Jacksonville (220 Ill. 134; 77 N. E. 85)	2545	— v. School Dist. (28 N. H. 58)	66
Harriman v. Sanborn (43 N. H. 128)	1393	— v. Schryock (82 Ill. 119)	2751
Harrington v. Berkshire County (22 Pick. [Mass.] 263; 33 Am. Dec. 741)	1652	— v. Shaw (13 Ill. 456)	1562
— v. Berkshire School District (30 Vt. 155)	890, 1246	— v. Simonson (28 Hun [N. Y.] 318)	1151
— v. Buffalo (121 N. Y. 147; 24 N. E. 186)	2966	— v. State (128 Ala. 41; 29 So. 581)	972
— v. Iowa Cent. R. Co. (126 Iowa, 388; 102 N. W. 139)	1845	— v. Wakeman (Say. 254)	983
— v. Liston Dist. Tp. (47 Iowa, 11)	825	— v. Water Valley (78 Miss. 659; 29 So. 401)	443
— v. Miles (11 Kan. 480; 15 Am. Rep. 355)	998	— v. Watson (Peake, 72)	552
— v. Plainview (27 Minn. 224; 6 N. W. 777)	1438, 2765, 2775	— v. Whitcomb (4 Gray [Mass.] 433)	883
— v. Port Huron (86 Mich. 46; 48 N. W. 641; 13 L. R. A. 664)	486	Harrisburg v. Baptist (156 Pa. 526; 27 Atl. 8)	2604
— v. Providence (20 R. I. 233; 38 Atl. 1; 38 L. R. A. 305)	1028, 1071	— v. Funk (200 Pa. 348; 49 Atl. 992)	2558, 2559, 2560
— v. St. Paul & S. C. R. Co. (17 Minn. 215)	2011	— v. McCormick (129 Pa. 213; 18 Atl. 126)	2539, 2541
— v. Woodbridge (70 N. J. L. 28; 56 Atl. 141)	3048	— v. McPherran (200 Pa. 343; 49 Atl. 988, aff'g 14 Pa. Super. Ct. 473)	2539
— v. Worcester (186 Mass. 594; 72 N. E. 326)	3053, 3054	— v. Saylor (87 Pa. 216)	3023, 3026
Harriott Ave. (24 Pa. Super. Ct. 597)	2594	— v. Segelbaum (151 Pa. 172; 24 Atl. 1070; 20 L. R. A. 834)	2558, 2559
Harris, <i>In re</i> (52 Ala. 87; 23 Am. Rep. 559)	2647, 2651, 2669	— v. Sheck (104 Pa. St. 53)	446
— v. Atlanta (62 Ga. 290)	2884	— v. Shepler (190 Pa. 374; 42 Atl. 893)	1178, 1190, 1191
— v. Baker (4 Maul. & Selw. 27)	767	Harrisburg & Pot. R. Co. v. Moore (4 W. N. C. 37)	1682
— v. Canaan School District (28 N. H. 58)	877, 1190	Harrisburg, C. & C. T. R. Co. v. Harrisburg & M. Elect. R. Co. (177 Pa. 585; 35 Atl. 850; 34 L. R. A. 439)	1956, 1982
— v. Carson (40 Ill. App. 147)	768	Harrisburg City P. R. Co. v. Har- risburg (149 Pa. 465; 24 Atl. 56)	2062
— v. Elliott (10 Pet. [U. S.] 25)	1603, 1762, 1845	Harris Co. v. Boyd (70 Tex. 237; 7 S. W. 713)	2577
— v. Intendant of Livingston (28 Ala. 577)	452, 1012	— v. Taylor (58 Tex. 690)	1709, 1791
— v. Land Office Com'rs (149 N. Y. 26; 43 N. E. 418)	2660	Harrison v. Albia ([Iowa], 122 N. W. 816)	2820
— v. Lester (80 Ill. 307)	2611	— v. Augusta Factory (73 Ga. 447)	1845
		— v. Ayrshire (123 Iowa, 528; 99 N. W. 132)	2975



TABLE OF CASES CITED

173

[References are to pages]

- Harrison v. Baltimore* (1 Gill [Md.] 264) 458, 561, 562  
— *v. Bridgeton* (16 Mass. 16) 235, 627  
— *v. Brooks* (20 Ga. 537) 1049  
— *v. Collins* (86 Pa. St. 153; 27 Am. Rep. 699) 3025, 3026  
— *v. Elgin* (53 Ill. App. 452) 1854  
— *v. Elizabeth* (70 N. J. L. 591; 57 Atl. 132) 1143, 1146, 1148  
— *v. Godman* (1 Burr. 12) 1011  
— *v. Good* (L. R. 11 Eq. C. 338) 1036  
— *v. Milwaukee* (49 Wis. 247; 5 N. W. 326) 2829  
— *v. New Brighton* (110 N. Y. App. Div. 267; 97 N. Y. Supp. 246) 2675  
— *v. New Orleans* (33 La. An. 222; 39 Am. Rep. 272) 916  
— *v. New Orleans Pac. R. Co.* (34 La. An. 462; 44 Am. Rep. 438) 1933, 1986, 2010  
— *v. Norfolk Co. Ct.* (2 Leigh [Va.] 164) 2647  
— *v. Parker* (6 East, 154) 1699  
— *v. People* (195 Ill. 466; 63 N. E. 191) 1021  
— *v. Peoria, A. & D. R. Co.* (77 Ill. 11) 2759  
— *v. Roberts* (145 Cal. 173; 78 Pac. 537) 115, 835, 910  
— *v. State* (9 Mo. 526) 517, 519, 966  
— *v. Vicksburg* (11 Miss. 581; 41 Am. Dec. 633) 2396  
— *v. Williams* (3 Barn. & Cress. 162) 61, 886  
*Harrisonburg v. Roller* (97 Va. 582; 34 S. E. 523) 1821  
*Harrison County v. Ogden* (133 Iowa, 9; 110 N. W. 32) 1309  
— *v. Seal* (66 Miss. 129; 5 So. 622; 3 L. R. A. 659) 1727  
*Harrodsburg v. Renfro* ([Ky.], 22 Ky. Law Rep. 806; 58 S. W. 795; 51 L. R. A. 897) 318  
*Harrodsburg Water Co. v. Harrodsburg* ([Ky.], 73 S. W. 1032) 2180, 2182  
— *v. Harrodsburg* ([Ky.], 89 S. W. 729) 2297  
*Harrold v. Simcoe & O. R. Co.* (16 Up. Can. C. P. 43; s. c. 18 Up. Can. C. P. 9) 2945, 2952, 3021  
*Harshman v. Bates County* (3 Dillon C. C. R. 162, aff'd 92 U. S. 569) 1354, 1474, 1508, 1512, 1514, 1515, 1516  
— *v. Knox County* (122 U. S. 306) 2680, 2682, 2683, 2685  
*Hart, In re* (159 N. Y. 278; 161 N. Y. 507; 55 N. E. 1058) 2731  
*Hart v. Albany* (9 Wend. [N. Y.] 571; 24 Am. Dec. 165; aff'g s. c. 3 Paige [N. Y.] 213) 501, 513, 953, 956, 960, 1042, 1788, 2914  
— *v. Bloomfield Tp.* (15 Ind. 226) 1715  
— *v. Boston, R. B. & L. R. Co.* (121 Mass. 510) 1274  
— *v. Bridgeport* (13 Blackf. C. C. R. 289) 2850  
— *v. Brooklyn* (36 Barb. [N. Y.] 226) 1848, 2973, 3014, 3020  
— *v. Buckner* (2 U. S. App. 488) 450, 1608, 1790, 1990  
— *v. Buckner* (54 Fed. Rep. 925, aff'g 52 Fed. Rep. 835) 2147, 2771  
— *v. Burnett* (15 Cal. 580) 1586, 1758, 1760  
— *v. Clough* (8 Kan. 487) 1245  
— *v. Folsom* (70 N. H. 213; 47 Atl. 603) 2658  
— *v. Gaven* (12 Cal. 476) 2502  
— *v. McKenna* (106 N. Y. App. Div. 219; 94 N. Y. Supp. 216) 3028  
— *v. Minneapolis* (81 Minn. 476; 84 N. W. 342) 735  
— *v. Neillsville* (125 Wis. 546; 104 N. W. 699; 1 L. R. A. N. s. 952) 3048, 3055  
— *v. New Orleans* (12 Fed. Rep. 292) 1585  
— *v. New York* (16 N. Y. App. Div. 227; 44 N. Y. Supp. 767) 2781  
— *v. Red Cedar* (63 Wis. 634; 24 N. W. 410) 2961  
— *v. Scott* (50 N. J. L. 585; 15 Atl. 272) 283  
— *v. Seattle* (42 Wash. 113; 84 Pac. 640) 1664  
— *v. Stone* (30 Conn. 94) 1597  
— *v. Union County* (57 N. J. L. 90; 29 Atl. 490) 2842  
*Harter v. Kernochan* (103 U. S. 562) 1349, 1515, 1516, 2388  
— *v. San Jose* (141 Cal. 659; 75 Pac. 344) 1594, 1759  
*Hartford v. Franey* (47 Conn. 76) 683  
— *v. Hartford Elect. Co.* (65 Conn. 324; 32 Atl. 925) 1202  
— *v. Hartford Theol. Seminary* (66 Conn. 475; 34 Atl. 483) 2445  
— *v. Hills* (72 Conn. 599; 45 Atl. 433) 2484  
— *v. Maslen* (76 Conn. 599; 57 Atl. 740) 202, 203, 1749  
— *v. New York & N. E. R. Co.* (59 Conn. 250; 22 Atl. 37) 1725, 1728, 1746  
— *v. Talcott* (48 Conn. 525; 40 Am. Rep. 189) 2986, 3030

[References are to pages]

- Hartford v. West Middle Dist.* (45 Conn. 462; 29 Am. Rep. 687) 2574, 2577
- Hartford & N. Y. S. Co. v. New York* (78 N. Y. 1) 2903
- Hartford Bank v. Hart* (3 Day [Conn.] 493) 889
- Hartford Bridge Co. v. East Hartford* (16 Conn. 149, *aff'd* 10 How. [U. S.] 511) 519, 621, 625, 626
- *v. Ferry Co.* (29 Conn. 210) 517
- Hartford County v. Hamilton* (60 Md. 340; 45 Am. Rep. 739) 2950
- Hartford Fire Ins. Co. v. Houston* ([Tex. Civ. App.], 110 S. W. 973; s. c. [Tex.], 116 S. W. 36) 2166
- *v. State* (9 Kan. 210) 1015
- Hartigan v. Board of Regents* (49 W. Va. 14; 38 S. E. 698) 792
- Hartington v. Luge* (33 Neb. 623; 50 N. W. 957) 620
- Hartley, In re* (31 L. J. M. C. 232) 1081
- *v. Vermillion* (141 Cal. 339; 74 Pac. 987) 1710
- Hartman v. Greenhow* (102 U. S. 672) 2438, 2478
- *v. Muscatine* (70 Ind. 511) 3003
- *v. Pittsburg Incline Plane Co.* (159 Pa. 442; 28 Atl. 145) 2027
- *v. Wilmington* (1 Marv. [Del.] 215; 41 Atl. 74) 2797
- Harton v. Avondale* (147 Ala. 458; 41 So. 934) 2532
- Harts v. People* (171 Ill. 373; 49 N. E. 539) 2455
- *v. People* (171 Ill. 458; 49 N. E. 538) 2455, 2555
- Hartshorn v. Potroff* (89 Ill. 509) 1631
- Hartupee v. Pittsburg* (131 Pa. 535; 19 Atl. 507) 1240, 1243
- Hartwell v. Littleton* (13 Pick. [Mass.] 229) 878
- Hartwig v. Manistee* (134 Mich. 615; 96 N. W. 1067) 2656
- Harvard v. Crouch* (47 Neb. 133; 66 N. W. 276) 2925
- Harvard Co. v. Wicht* (99 N. Y. App. Div. 507; 91 N. Y. Supp. 48) 2327
- Harvard College v. Boston* (104 Mass. 470) 450, 1672, 2444, 2498, 2575, 2588
- *v. Cambridge* (175 Mass. 145; 55 N. E. 844) 2446
- Harvey v. Aurora & G. R. Co.* (174 Ill. 295; 51 N. E. 163) 2029
- *v. Aurora & G. R. Co.* (186 Ill. 283; 57 N. E. 857) 1907, 1942, 1945, 1985
- *v. Clarinda* (111 Iowa, 528; 82 N. W. 994) 2999
- Harvey v. Consumers' Ice Co.* (104 Tenn. 583; 58 S. W. 316) 1049
- *v. Dean* (62 Ill. App. 41) 2795, 2798, 2799
- *v. Dewoody* (18 Ark. 252) 766, 1040
- *v. Hillsdale* (86 Mich. 330; 49 N. W. 141) 3026
- *v. Malden* (188 Mass. 133; 74 N. E. 327) 3000
- *v. Olney* (42 Ill. 336) 2828, 2829
- *v. Philbrick* (49 N. J. L. 374; 8 Atl. 122) 2733
- *v. Rochester* (35 Barb. [N. Y.] 177) 2869
- *v. Rush County* (32 Kan. 159; 4 Pac. 153) 729
- *v. Territory* (11 Okla. 156; 65 Pac. 837) 441
- *v. Truro Rural Council* (72 Law J. Ch. 705) 1743
- *v. United States* (113 U. S. 243) 1317
- *v. Wilson* (78 Ill. App. 544) 1184
- Harward v. St. Clair & M. Levee & Dr. Co.* (51 Ill. 130) 199, 2388, 2786
- Harwood v. Boston St. Com'rs* (183 Mass. 348; 67 N. E. 362) 2530, 2531, 2616
- *v. Donovan* (188 Mass. 487; 74 N. E. 914) 2530, 2625
- *v. Lowell* (4 Cush. [Mass.] 310) 2958, 3005
- *v. Marshall* (9 Md. 83) 2671, 2726
- *v. Marshall* (10 Md. 451) 2714, 2721
- *v. Wentworth* (162 U. S. 547) 324
- *v. West Randolph* (64 Vt. 41; 24 Atl. 97) 1674
- Hasbrouck v. Milwaukee* (13 Wis. 37; 80 Am. Dec. 718) 199
- *v. Milwaukee* (21 Wis. 217) 222, 1195, 1198, 1237
- *v. Milwaukee* (25 Wis. 122) 2674
- Hascard v. Somany* (Freem. K. B. 504) 1598
- Hase v. Seattle* (51 Wash. 174; 98 Pac. 370; 20 L. R. A. N. s. 938) 2815, 2821
- Hasey v. White Pigeon Beet Sugar Co.* (1 Doug. [Mich.] 190) 1299
- Haskell, Ex parte* (112 Cal. 412; 44 Pac. 725; 32 L. R. A. 527) 133, 908, 929, 931, 986, 989
- *v. Bartlett* (34 Cal. 281) 2635
- *v. Burlington* (30 Iowa, 232) 257, 261, 280, 332, 2483
- *v. New Bedford* (108 Mass. 208) 512, 1041, 2916, 2917, 3052

## TABLE OF CASES CITED

175

[References are to pages]

- Haskell v. New Gloucester* (70 Me. 305) 2963, 3018  
 — *v. Penn Yan* (5 Lans. [N. Y.] 43) 2997, 3031  
*Haskell County v. Montpelier Nat. Life 'Ins. Co.* (90 Fed. Rep. 228) 1461, 1484, 1485, 1238, 1503, 1506  
*Hassan v. Rochester* (67 N. Y. 528) 2447, 2577  
*Hassen v. Rochester* (65 N. Y. 516) 2447  
*Hassett v. Walls* (9 Nev. 387) 2459  
*Hast v. Piedmont & C. R. Co.* (52 W. Va. 396; 44 S. E. 155) 1703, 1706, 1728, 1737  
*Hastings' Case* (1 Mod. 24) 664  
*Hastings v. Ames* (68 Fed. Rep. 726) 2258  
 — *v. Columbus* (42 Ohio St. 585) 947, 1206, 1208, 1815  
 — *v. Gillitt* (85 Minn. 331; 88 N. W. 987) 1899  
 — *v. Grimshaw* (153 Mass. 497; 27 N. E. 521; 12 L. R. A. 617) 486  
 — *v. Hansen* (44 Neb. 704; 63 N. W. 34) 623  
 — *v. New York* (39 N. Y. Misc. 728; 80 N. Y. Supp. 986) 490  
 — *v. Thorne* (8 Neb. 160) 2813  
 — *v. Twenty-Third Ward Land Co.* (46 N. Y. App. Div. 609; 61 N. Y. Supp. 998) 2489  
*Hastings Water Co. v. Hastings* (216 Pa. 178; 65 Atl. 403) 2170  
*Hasty v. Huntington* (105 Ind. 540; 5 N. E. 559) 1105  
*Haswell v. New York* (81 N. Y. 255) 731  
*Hatch, Matter of* (74 N. Y. App. Div. 248; 77 N. Y. Supp. 605) 2635  
 — *v. Barr* (1 Ohio, 390) 1174  
 — *v. Buffalo* (38 N. Y. 276) 1656, 2787  
 — *v. Mann* (15 Wend [N. Y.] 44, rev'g s. c. 9 Wend. [N. Y.] 262) 741  
 — *v. Pendergast* (15 Md. 251) 1076  
 — *v. Reardon* (204 U. S. 152) 2326, 2413  
 — *v. Tacoma, O. & G. H. R. Co.* (6 Wash. 1; 32 Pac. 1063) 1993, 2013, 2014  
 — *v. Vermont Cent. R. Co.* (25 Vt. 49) 2010  
*Hatfield v. Grimstead* (7 Iredell [N. Car.] 139) 488  
 — *v. Straus* (189 N. Y. 208; 82 N. E. 172, aff'g 117 N. Y. App. Div. 671; 102 N. Y. Supp. 934) 1790, 1862, 1867, 1868, 1873  
*Hathaway v. Cincinnatus* (62 N. Y. 434) 2823  
*Hathaway v. Everett* (205 Mass. 246; 91 N. E. 296) 2883  
 — *v. Hinton* (1 Jones [N. Car.] 243) 770  
 — *v. New Baltimore* (48 Mich. 251; 12 N. W. 186) 153  
 — *v. Osborne* (25 R. I. 249; 55 Atl. 700) 2874  
*Hathorn v. Natural Carbonic Gas Co.* (194 N. Y. 326; 87 N. E. 504; 23 L. R. A. n. s. 436, aff'g 128 N. Y. App. Div. 33; 112 N. Y. Supp. 374) 2108  
*Hattersly v. Waterville* (4 Ohio Cir. Ct. n. s. 242) 1962, 2146  
*Haubner v. Milwaukee* (124 Wis. 153; 102 N. W. 578) 1821, 1824, 2641, 2931  
*Hauck, Matter of* (70 Mich. 396; 38 N. W. 269) 1001  
*Haugen v. Albina Light & Power Co.* (21 Oreg. 411; 28 Pac. 244) 563, 2205, 2209  
*Haughawont v. Raymond* (148 Cal. 311; 83 Pac. 53) 900  
*Haughawout v. Hubbard* (131 Cal. 675; 63 Pac. 1078) 1213, 2454  
*Haughey v. Hart* (62 Iowa, 96; 17 N. W. 189; 49 Am. Rep. 138) 3032  
*Haughwout v. New York* (2 Keyes [N. Y.] 419) 1186  
*Haupt's Appeal* (125 Pa. 211; 17 Atl. 436) 2121  
*Hausneister v. Porter* (21 Fed. Rep. 355) 2747  
*Havana v. Biggs* (58 Ill. 483) 1708  
*Havemeyer v. Iowa County* (3 Wall. [U. S.] 294) 597, 1404, 1408, 1413  
*Haven v. Asylum* (13 N. H. 532) 889  
 — *v. Lowell* (5 Met. [Mass.] 35) 849  
 — *v. New York* (67 N. Y. App. Div. 90; 73 N. Y. Supp. 678) 2830  
*Havens v. Lathene* (75 N. Car. 505) 764  
*Haverill Bridge Proprietor v. Essex County* (103 Mass. 120; 4 Am. Rep. 518) 1661  
*Haverstraw v. Eckerson* (192 N. Y. 54; 84 N. E. 578; 20 L. R. A. n. s. 287, aff'g 124 N. Y. App. Div. 18; 108 N. Y. Supp. 506) 1786, 1799, 1824, 2934  
*Haviland v. Columbus* (50 Ohio St. 471; 34 N. E. 679) 2529  
*Having v. Covington* ([Ky.], 78 S. W. 431) 2896  
*Hawes v. Chicago* (158 Ill. 653; 42 N. E. 373; 30 L. R. A. 225) 925, 941, 942, 1813  
 — *v. Fliegler* (87 Minn. 319; 92 N. W. 223) 2583, 2610  
 — *v. Fox Lake* (33 Wis. 438) 3032

[References are to pages]

- Hawesville *v.* Hawes' Heirs (6 Bush [Ky.] 232) 1691  
 Hawk *v.* Marion Co. (48 Iowa, 472) 551  
 Hawker *v.* New York (170 U. S. 189) 1009  
 Hawkes *v.* Kennebec County (7 Mass. 461) 2674  
 Hawkeye Loan & Brokerage Co. *v.* Marion (110 Iowa, 468; 81 N. W. 718) 2825, 2826, 2827  
 Hawkins *v.* Carroll County (50 Miss. 735) 660, 1385  
 — *v.* Conway (1 Ark. 570) 2660  
 — *v.* Cook (62 N. J. L. 84; 40 Atl. 781) 2732  
 — *v.* Huron, Perth & Bruce, *In re* (2 Upper Can. C. P. 72) 608  
 — *v.* Jonesboro (63 Ga. 527) 180  
 — *v.* Litchfield (120 Mich. 390; 79 N. W. 570) 2658  
 — *v.* Lutton (95 Wis. 492; 70 N. W. 483; 60 Am. St. Rep. 131) 675, 676  
 — *v.* Mangum (78 Miss. 97; 28 So. 872) 2383  
 — *v.* New York (54 N. Y. App. Div. 258; 66 N. Y. Supp. 623) 2967, 3020  
 — *v.* Rochester (1 Wend. [N. Y.] 54; 19 Am. Dec. 462) 1652  
 — *v.* Sanders (45 Mich. 491; 8 N. W. 98) 1039, 1886  
 — *v.* Starke County (14 Ind. 521) 2648, 2654  
 Hawkinsville *v.* Ethridge (96 Ga. 326; 22 S. E. 985) 977  
 Hawks *v.* Charlemont (107 Mass. 414) 2874  
 Hawkshurst *v.* Asbury Park (65 N. J. Eq. 496; 56 Atl. 697) 1794  
 Hawk's Nest *v.* Fayette County Court (55 W. Va. 689; 48 S. E. 205) 2800  
 Hawley *v.* Atlantic (92 Iowa, 172; 60 N. W. 519) 3013  
 — *v.* Baltimore (33 Md. 270) 1717, 1720, 1721  
 — *v.* Fayetteville (82 N. C. 22) 2675  
 — *v.* Fort Dodge (103 Iowa, 573; 72 N. W. 756) 2608  
 — *v.* Gloversville (74 N. Y. 513) 2967  
 — *v.* Harrall (19 Conn. 142) 1631, 1848  
 — *v.* Saranac (157 Mich. 70; 121 N. W. 303) 2820  
 Hawthorn *v.* Meyers ([Ky.], 18 Ky. Law Rep. 608; 37 S. W. 593) 1702, 1717  
 — *v.* People (109 Ill. 302; 50 Am. Rep. 610) 258  
 Hawthorne *v.* East Portland (13 Oreg. 271; 10 Pac. 342) 2452  
 Hawthorne *v.* Hoboken (32 N. J. Law, 172) 440  
 — *v.* St. Louis (11 Mo. 50) 470  
 Haxton *v.* Kansas City (190 Mo. 53; 88 S. W. 714) 1730, 2972, 2998, 3000  
 Hay *v.* Alexandria & W. R. Co. (20 Fed. Rep. 15) 1182  
 — *v.* Cohoes County (2 N. Y. 159; 51 Am. Dec. 279) 3027, 3046  
 — *v.* Springfield (64 Ill. App. 671) 1558  
 — *v.* Weber (79 Wis. 587; 48 N. W. 859; 24 Am. St. Rep. 737) 1877  
 Hayburns' Case (2 Dall. [U. S.] 409) 148  
 Hayday *v.* Ocean City (69 N. J. L. 22; 54 Atl. 813) 2637  
 Hayden *v.* Atlanta (70 Ga. 817) 2502, 2565  
 — *v.* Attleborough (7 Gray [Mass.] 338) 1730, 2962, 2963, 2973  
 — *v.* Madison (7 Me. 79) 1194  
 — *v.* Memphis (100 Tenn. 582; 47 S. W. 182) 783, 792, 809, 810  
 — *v.* Noyes (5 Conn. 391) 613, 832, 934  
 — *v.* Stone (112 Mass. 346) 1726, 1727, 1731  
 — *v.* Stoughton (5 Pick. [Mass.] 528) 1562, 1566  
 Hayes, *Ex parte* (98 Cal. 555; 33 Pac. 337; 20 L. R. A. 701) 1020  
 — *v.* Appleton (24 Wis. 544) 451, 933  
 — *v.* Cambridge (138 Mass. 461; s. c. 136 Mass. 402) 2955, 2966  
 — *v.* Douglas County (92 Wis. 429; 65 N. W. 482; 31 L. R. A. 213; 53 Am. St. Rep. 926) 2454, 2538, 2543  
 — *v.* Holly Springs (114 U. S. 120) 576, 1480, 1524, 1525, 1527, 1528, 1543  
 — *v.* Michigan Central R. Co. (111 U. S. 228) 1094, 2067  
 — *v.* Missouri (120 U. S. 68, 71) 2465  
 — *v.* Mitchell (69 Ala. 452) 675  
 — *v.* New York (74 N. Y. 264) 3018, 3019  
 — *v.* Oshkosh (33 Wis. 314; 14 Am. Rep. 760) 2303, 2847, 2894, 2895, 2904  
 — *v.* Shirk (167 Ind. 569; 78 N. E. 653) 2625  
 Hayford *v.* Bangor (102 Me. 340; 66 Atl. 731; 11 L. R. A. n. s. 940) 1640  
 — *v.* Belfast (69 Me. 63) 2827  
 Haygood *v.* Clark County (20 Ga. 845) 2857

[References are to pages]

Haynes, <i>In re</i> (54 N. J. L. 6; 22 Atl. 923) 284	Healdsburg v. Mulligan (113 Cal. 205; 45 Pac. 337) 763
— <i>v. Burlington</i> (38 Vt. 350) 3037	Healdsburg Elect. L. & P. Co. v. Healdsburg (5 Cal. App. 558; 90 Pac. 955) 2868
— <i>v. Cape May</i> (50 N. J. L. 55; 13 Atl. 231) 943, 976	Healey v. Atlanta (125 Ga. 736; 54 S. E. 749) 1705, 1710, 1714, 1724
— <i>v. Cape May</i> (52 N. J. L. 180; 19 Atl. 176) 319, 462, 986	— <i>v. Batley</i> (L. R. 19 Eq. 375) 1707, 2945
— <i>v. Covington</i> (21 Miss. 408) 763, 1154	— <i>v. New Haven</i> (47 Conn. 305) 2920
— <i>v. Haynes</i> (1 Drew. & Sm. 426) 1652	— <i>v. New Haven</i> (49 Conn. 394) 2920, 2927
— <i>v. Municipality</i> (5 La. An. 760) 147	Health Board v. Diamond Mills Paper Co. (63 N. J. Eq. 111; 51 Atl. 1019) 289
— <i>v. State</i> (3 Humph. [Tenn.] 480) 717	Health Department v. Knoll (70 N. Y. 530) 903, 1032
— <i>v. Thomas</i> (7 Ind. 38) 1695, 1789, 1791, 1836 1841, 2000	Healy v. New York City (90 N. Y. App. Div. 170; 85 N. Y. Supp. 750) 2223
— <i>v. Washington Co.</i> (19 Ill. 66) 642	Heaney v. Chicago (117 Ill. App. 405) 800, 815, 822, 2798
Hays v. Cincinnati (62 Ohio St. 116; 56 N. E. 658) 2596	Heard v. Brooklyn (60 N. Y. 242) 1620, 2012
— <i>v. Columbiana Tel. Co.</i> (21 Ohio Cir. Ct. 480) 1788, 1791	— <i>v. Calhoun School Dist.</i> (45 Mo. App. 660) 1542
— <i>v. Pacific Mail SS. Co.</i> (17 How. [U. S.] 596) 2417	— <i>v. Connor</i> ([Tex. Civ. App.], 84 S. W. 605) 1737
— <i>v. State</i> (8 Ind. 425) 1687	— <i>v. State</i> (113 Ga. 444; 39 S. E. 118) 61, 143
Hayter v. Benner (67 N. J. L. 359; 52 Atl. 351) 680	Hearns v. Waterbury Hospital (66 Conn. 98; 33 Atl. 595) 2897
Hayward v. Davidson (41 Ind. 212) 1233, 1560, 1581	Hearst v. McClellan (102 N. Y. App. Div. 336; 92 N. Y. Supp. 484) 2778, 2779, 2780
— <i>v. Manzer</i> (70 Cal. 476; 13 Pac. 141) 1711	— <i>v. Woelper</i> (183 N. Y. 274; 76 N. E. 28) 2666
— <i>v. North Bridgewater School Dist.</i> (2 Cush. [Mass.] 419) 829, 1194	Hearst's Chicago American v. Spiss (117 Ill. App. 436) 900
— <i>v. People</i> (145 Ill. 55; 33 N. E. 885) 2427, 2448	Heath, <i>In re</i> (3 Hill [N. Y.] 42) 644, 649, 1135, 2666, 2671, 2730, 2731
— <i>v. Red Cliff</i> (20 Colo. 33; 36 Pac. 795) 449, 2099	— <i>v. Barmore</i> (50 N. Y. 302) 1620, 2012
Haywood v. Savannah (12 Ga. 404) 446, 923, 926	— <i>v. Des Moines &amp; St. L. R. Co.</i> (61 Iowa, 11; 15 N. W. 573) 1867, 1971, 1972
Hayzlett v. Mt. Vernon (33 Iowa, 229) 2444	— <i>v. McCrea</i> (20 Wash. 342; 55 Pac. 432) 2623
Hazard's Case (2 Rol. 11) 723, 724, 798	— <i>v. Manson</i> (147 Cal. 694; 82 Pac. 331) 3014, 3019
Hazeltine v. Blake (26 Wash. 231; 66 Pac. 394) 435	— <i>v. Salt Lake City</i> (16 Utah, 374; 52 Pac. 602) 733, 734, 792, 805
— <i>v. Case</i> (46 Wis. 391; 1 N. W. 66; 32 Am. Rep. 715) 489	— <i>v. State</i> (36 Ala. 273) 2733
Hazen v. Essex County (12 Cush. [Mass.] 477) 1641, 1642	Heaton v. Chester (59 N. Y. Misc. 558; 111 N. Y. Supp. 725) 2204
— <i>v. Strong</i> (2 Vt. 427) 1031	Heaviland v. Burlington County (64 N. J. Law, 176; 44 Atl. 963) 713
Haslehurst v. Freeman (52 Ga. 245) 1972	Heazy v. Black (90 Ind. 534) 2749
— <i>v. Mayes</i> (84 Miss. 7; 36 So. 33; 64 L. R. A. 805) 1910, 1912, 1913, 1993	Hebard v. Ashland County (55 Wis. 145; 12 N. W. 437) 352, 354
Hazlewood v. Rogan (95 Tex. 295; 67 S. W. 80) 2649	
Hazzard v. Heacock (39 Ind. 172) 2593	
Heacock v. Sherman (14 Wend. [N. Y.] 58) 1833	
Head v. Prov. Ins. Co. (2 Cranch, 127) 451, 1169, 1170	



[References are to pages]

- Hebb v. Cayton (45 W. Va. 578; 32 S. E. 187) 2722  
 Hebel v. Amazon Ins. Co. (33 Mich. 407) 742  
 Hebert v. Lavalley (27 Ill. 448) 1760  
 Hebrew Benev. O. A. Soc., *In re* (70 N. Y. 476) 2575  
 Hecht v. Coale (93 Md. 692; 49 Atl. 660) 680, 681, 838  
 Heckel v. Sandford (40 N. J. L. 180) 605  
 Heckerman v. Hummell (19 Pa. 64) 1738, 1784, 1785, 1789  
 Heckman v. Evenson (7 N. Dak. 173; 73 N. W. 427) 3000  
 Heddleston v. Hendricks (52 Ohio St. 460; 40 N. E. 408) 1887, 1891, 1897  
 Hedge v. Des Moines (141 Iowa, 4; 119 N. W. 276) 2538  
 Hedges v. Dam (72 Cal. 520; 14 Pac. 133) 762  
 — v. Dixon County (150 U. S. 182) 385, 530, 547, 1442, 1453, 1454, 1551  
 — v. Madison County (6 Ill. 567) 1833, 2852, 2856, 2857, 2950, 2951  
 Hedrick v. Olathe (30 Kan. 348; 1 Pac. 118) 1998  
 — v. People (221 Ill. 374; 77 N. E. 441) 2732  
 Heebner v. Orange City (44 Fla. 159; 32 So. 879) 623  
 Heed v. Cowley County (82 Fed. Rep. 716) 1461, 1531  
 Heeney v. Heeney (2 Denio [N. Y.] 625) 479  
 — v. Sprague (11 R. I. 456; 23 Am. Rep. 502) 467, 902, 2840, 2969, 2986  
 Heerwagen v. Crosstown St. R. Co. (179 N. Y. 99; 71 N. E. 729; modifying 90 N. Y. App. Div. 275; 86 N. Y. Supp. 218) 1984, 2148, 2422  
 Heff, Matter of (197 U. S. 488) 2351  
 Heffleman v. Pennington County (3 S. Dak. 162; 52 N. W. 851) 1292, 1294, 1298, 1312  
 Heffner v. Cass and Morgan Counties (193 Ill. 439; 62 N. E. 201; 58 L. R. A. 353) 63, 198, 2391  
 — v. Commonwealth (28 Pa. St. 108) 2710  
 — v. Toledo (75 Ohio St. 413; 80 N. E. 8) 908, 909  
 Heffran v. Hutchins (160 Ill. 550; 43 N. E. 709; 52 Am. St. Rep. 353) 794, 2750  
 Hefner v. Northwestern L. Ins. Co. (123 U. S. 747) 2489  
 Heft v. Payne (97 Cal. 108; 31 Pac. 844) 2604, 2634  
 Heidelberg v. St. Francois County (100 Mo. 69; 12 S. W. 914) 1219  
 Heidelberg School Dist. v. Horst (62 Pa. St. 301) 1174  
 Heidenwag v. Philadelphia (168 Pa. 72; 31 Atl. 1063) 3026  
 Heilbron, *Ex parte* (65 Cal. 609; 4 Pac. 648) 1048  
 — v. Cuthbert (96 Ga. 312; 23 S. E. 206) 431, 1386  
 Heileman Brewing Co. v. Peimeial (85 Minn. 121; 88 N. W. 441) 2353  
 Heilman v. Lebanon & A. St. R. Co. (145 Pa. St. 23; 23 Atl. 389) 2007  
 Heimburg v. Manhattan R. Co. (19 N. Y. App. Div. 179; 45 N. Y. Supp. 999) 1968, 2040  
 Heine v. Levee Com'rs (19 Wall. [U. S.] 655) 597, 598, 1394, 2398, 2485, 2486, 2488, 2645, 2646, 2674, 2680, 2686, 2690, 2696, 2699, 2700  
 Heineck v. Grosse (99 Ill. App. 441) 1867, 1869, 1871, 1873  
 Heintz v. Terre Haute (161 Ind. 44; 66 N. E. 480) 398  
 Heinrich v. St. Louis (125 Mo. 424; 28 S. W. 626; 46 Am. St. Rep. 490) 1841, 1843  
 Heinroth v. Kochersperger (173 Ill. 205; 50 N. E. 171) 2629  
 Heins v. Lincoln (102 Iowa, 69; 71 N. W. 189) 380, 383, 530, 538, 910, 1339, 1341, 1496, 1498  
 Heintz v. Moulton (7 S. Dak. 272; 64 N. W. 135) 2711  
 Heiple v. East Portland (13 Oreg. 97; 8 Pac. 907) 1767, 1802  
 Heise v. Columbia (6 Rich. 404) 953, 956, 957, 959  
 Heisembrittle v. Charleston (2 McMullan [S. Car.] 233) 922, 926, 1012, 1014  
 Heiser v. New York (104 N. Y. 68; 9 N. E. 866) 1821, 2920, 2923, 2935, 2936  
 Heiskell v. Baltimore (65 Md. 125; 4 Atl. 116; 57 Am. Rep. 308) 450, 845, 846, 850  
 Heiss v. Lancaster (203 Pa. 260; 52 Atl. 201) 2985  
 Heissenbittel v. New York (30 Fed. Rep. 456) 515  
 Heitz v. St. Louis (110 Mo. 618; 19 S. W. 735) 1690, 1716, 1719, 1735, 1786  
 Heland v. Lowell (3 Allen [Mass.] 407; 81 Am. Rep. 670) 902, 963, 3004  
 Helena v. Harvey (6 Mont. 114; 9 Pac. 903) 1646



## TABLE OF CASES CITED

179

[References are to pages]

- Helena v. Helena Waterworks** (173 Fed. Rep. 18) 2772  
 — *v. Hornor* (58 Ark. 151; 23 S. W. 966) 1888  
 — *v. Rogan* (26 Mont. 452; 68 Pac. 798; s. c. 27 Mont. 135; 69 Pac. 709) 1646  
 — *v. Thompson* (29 Ark. 569) 2865, 2866, 2903, 3036, 3037  
 — *v. Turner* (36 Ark. 577) 1310  
 — *v. United States* (104 Fed. Rep. 113) 406, 1496, 1497, 2711  
**Helena Consolidated Water Co.**  
 — *v. Steele* (20 Mont. 1; 49 Pac. 382; 37 L. R. A. 412) 214, 2183  
**Helena Merchants Nat'l Bank v. Meagher County School Dist.** (94 Fed. Rep. 705) 1474  
**Helena Power Transmission Co.**  
 — *v. Spratt* (35 Mont. 108; 88 Pac. 773; 8 L. R. A. n. s. 567) 2125  
**Helena Water Works Co. v. Helena** (195 U. S. 383, aff'g 122 Fed. Rep. 1) 2160, 2161, 2166  
 — *v. Helena* (27 Mont. 205; 70 Pac. 513) 355  
 — *v. Helena* (31 Mont. 243; 78 Pac. 220) 358, 359  
**Helfer v. Simon** (53 N. J. L. 550; 22 Atl. 120) 282  
**Hellen v. Medford** (188 Mass. 42; 73 N. E. 1070; 69 L. R. A. 314; 108 Am. St. Rep. 459) 2604, 2606  
 — *v. Noe* (3 Ire. [N. Car.] Law, 493) 960  
**Heller v. Atchison, T. & S. F. R. Co.** (28 Kan. 625) 1835, 1841, 1843, 1844  
 — *v. Garden City* (58 Kan. 263; 48 Pac. 841) 1253, 2556  
 — *v. Milwaukee* (96 Wis. 134; 70 N. W. 1111) 1258  
 — *v. Sedalia* (53 Mo. 159; 14 Am. Rep. 444) 2301, 2303  
 — *v. Stremmel* (52 Mo. 309) 60, 67, 68  
**Hellman v. Shoulters** (114 Cal. 136; 44 Pac. 915; 45 Pac. 1057) 261, 292, 318, 895, 1217, 1388, 1389, 2622, 2623  
**Helm, Ex parte** (143 Cal. 553; 77 Pac. 453) 2469  
 — *v. Grayville* (224 Ill. 274; 79 N. E. 689) 1626, 1627  
 — *v. McClure* (107 Cal. 199; 40 Pac. 437) 1725  
 — *v. Webster* (85 Ill. 116) 1845  
**Heman v. Allen** (156 Mo. 534; 57 S. W. 559) 2521, 2527, 2613, 2617  
 — *v. Franklin* (99 Mo. App. 346; 73 S. W. 314) 2580  
 — *v. Gerardi* (96 Mo. App. 231; 69 S. W. 369) 2455  
**Heman v. Gilliam** (171 Mo. 258; 71 S. W. 163) 2453, 2527, 2634  
 — *v. Handlan* (59 Mo. App. 490) 2613  
 — *v. McNamara* (77 Mo. App. 1) 2627  
 — *v. Ring* (85 Mo. App. 231) 2580  
 — *v. Schulte* (166 Mo. 409; 66 S. W. 163, aff'd 189 U. S. 507) 459, 2615  
**Heman Const. Co. v. Loevy** (179 Mo. 455; 78 S. W. 613) 2595  
 — *v. Wabash R. Co.* (206 Mo. 172; 104 S. W. 67) 2386, 2491, 2503, 2527, 2587  
**Hemen v. Ballard** (40 Wash. 81; 82 Pac. 277) 1307  
**Hemphill v. Boston** (8 Cush. [Mass.] 195; 54 Am. Dec. 749) 1696, 1726, 1728  
**Hempstead v. Ball El. L. Co.** (9 N. Y. App. Div. 48; 41 N. Y. Supp. 124) 1786, 1787  
 — *v. Des Moines* (52 Iowa, 303; 3 N. W. 123) 2920, 2927  
 — *v. Des Moines* (63 Iowa, 36; 18 N. W. 676) 1821, 2928, 2933  
**Henback v. State** (53 Ala. 523; 25 Am. Rep. 650) 923  
**Hendee v. Pinkerton** (14 Allen [Mass.] 381) 630  
**Hendershott v. Ottumwa** (46 Iowa, 658; 26 Am. Rep. 182) 2927  
**Henderson v. Baltimore** (8 Md. 352) 1814, 2399, 2451, 2596  
 — *v. Barnes* (32 Up. Can. Q. B. 176) 2969  
 — *v. Burke* ([Ky.], 44 S. W. 422) 2960, 3001  
 — *v. Clayton* ([Ky.], 57 S. W. 1; 53 L. R. A. 145) 2868  
 — *v. Cleveland* (93 Fed. Rep. 844) 1588  
 — *v. Covington* (14 Bush [Ky.] 312) 449, 454  
 — *v. Jackson County* (2 McCrary C. C. R. 615) 2425  
 — *v. Jersey City* (41 N. J. L. 489) 2620  
 — *v. Lambert* (14 Bush [Ky.] 24) 2399, 2494, 2607, 2629, 2631  
 — *v. Lexington* ([Ky.], 111 S. W. 318; 22 L. R. A. n. s. 20) 1839, 1841, 1844  
 — *v. London & L. Ins. Co.* (135 Ind. 23; 34 N. E. 565; 41 Am. St. Rep. 410) 750, 753  
 — *v. Midland R. Co.* (24 L. T. R. n. s. 881) 2934  
 — *v. Minneapolis* (32 Minn. 319; 20 N. W. 322) 1821, 2928, 3040, 3047, 3053

[References are to pages]

- Henderson v. New Orleans* (3 La. 563) 669  
 — *v. New York* (65 N. Y. App. Div. 180; 72 N. Y. Supp. 609) 143  
 — *v. New York Cent. R. Co.* (78 N. Y. 423) 2023, 2046  
 — *v. Ogden City R. Co.* (7 Utah, 199; 26 Pac. 286) 464, 1973  
 — *v. Reed* ([Ky.], 62 S. W. 1039) 3019  
 — *v. South Omaha* (60 Neb. 125; 82 N. W. 315) 2596  
 — *v. White* ([Ky.], 49 S. W. 764) 2960  
 — *v. Young* (119 Ky. 224; 83 S. W. 583) 199, 2115, 2128, 2134, 2910, 2911  
*Henderson Bridge Co. v. Henderson* (173 U. S. 592) 2252, 2341, 2400, 2408, 2428  
 — *v. Henderson* (90 Ky. 498; 14 S. W. 493) 2428  
 — *v. Kentucky* (166 U. S. 150) 2341  
 — *v. McGrath* (134 U. S. 260) 1232  
*Henderson County v. Travelers Ins. Co.* (128 Fed. Rep. 817) 1408, 1462, 1515, 1516  
*Hendersonville v. McMinn* (82 N. Car. 532) 981  
 — *v. Webb* (148 N. Car. 120; 61 S. E. 670) 1809, 1813  
*Hendrick v. West Springfield* (107 Mass. 541) 1250  
*Hendrick's Appeal* (103 Pa. 358) 2924, 2948  
*Hendrickson v. New York* (160 N. Y. 144; 54 N. E. 680) 2154  
 — *v. Point Pleasant* (65 N. J. L. 535; 47 Atl. 465) 910, 2537  
*Henke v. McCord* (55 Iowa, 378; 7 N. W. 623) 449  
*Henkel v. Detroit* (49 Mich. 249; 13 N. W. 611; 43 Am. Rep. 464) 1035, 1849, 2838, 2840  
*Henker v. Fond du Lac* (71 Wis. 616; 38 N. W. 187) 3032  
*Henley v. Lyme Regis* (5 Bingh. 91; 3 Mo. & Pa. 278; 3 B. & Ad. 77; 2 Cl. & Fin. 331; 8 Bligh. N. R. 690; 1 Bingh. N. C. 222; 1 Scott 29) 2904, 2907, 2992  
*Henneberger, Matter of* (155 N. Y. 420; 50 N. E. 61; 42 L. R. A. 132, aff'g 25 N. Y. App. Div. 164; 49 N. Y. Supp. 230) 248, 249, 253, 302, 303  
*Hennen, In re* (13 Pet. [U. S.] 230) 791, 792  
*Hennepin County v. Bartleson* (37 Minn. 343; 34 N. W. 222) 2533  
 — *v. Dayton* (17 Minn. 260) 1751  
 — *v. Jones* (18 Minn. 199) 763  
*Hennessey v. New Bedford* (153 Mass. 260; 26 N. E. 999) 2901  
 — *v. Douglas County* (99 Wis. 129; 74 N. W. 983) 2538, 2543, 2563  
 — *v. Murdock* (137 N. Y. 317; 33 N. E. 330) 1719  
*Henning v. Stengel* (112 Ky. 906; 66 S. W. 41; 67 S. W. 64) 2527  
*Henricus v. Englert* (137 N. Y. 488; 33 N. E. 550) 1269  
*Henrietta v. Eustis* (87 Tex. 14; 26 S. W. 619) 2482  
*Henry v. Atkinson* (50 Mo. 266) 1598  
 — *v. Chester* (15 Vt. 460) 2399  
 — *v. Cincinnati* (25 Ohio Cir. Ct. 178) 1829, 1869, 1872  
 — *v. Dubuque & Pac. R. Co.* (10 Iowa, 540) 1657  
 — *v. Macon* (91 Ga. 268; 18 S. E. 143) 1072  
 — *v. Mason City & F. D. R. Co.* (140 Iowa, 201; 118 N. W. 310) 1971, 2014  
 — *v. Pittsburgh & A. Br. Co.* (8 Watts & S. [Pa.] 85) 1933, 2923  
 — *v. Thomas* (119 Mass. 583) 2596  
 — *v. Trustees* (48 Ohio St. 671; 30 N. E. 1122) 1032, 1034  
*Henry County v. Nicolay* (95 U. S. 619) 1517  
*Henshaw, Ex parte* (73 Cal. 486; 15 Pac. 110) 1905  
 — *v. Hunting* (1 Gray [Mass.] 203) 1701, 1892  
*Hensly v. Hamilton* (3 Ohio Cir. Ct. R. 201) 2764  
*Hensoldt v. Petersburg* (63 Ill. 111) 981  
*Henson, Ex parte* (49 Tex. Crim. Rep. 177; 90 S. W. 874) 987, 1853  
*Hentig v. Gilmore* (33 Kan. 234; 6 Pac. 304) 2622  
*Hentz v. Long Island R. Co.* (13 Barb. [N. Y.] 646) 1784, 2068  
*Hepburn v. Griswold* (8 Wall. [U. S.] 603) 544  
 — *v. Jersey City* (67 N. J. L. 114; 50 Atl. 598; s. c. 67 N. J. L. 686; 52 Atl. 1132) 1621, 1622  
 — *v. Philadelphia* (149 Pa. St. 335; 24 Atl. 279) 1221  
*Heppe v. Johnson* (73 Cal. 265; 14 Pac. 833) 684  
*Hepting v. New Orleans Pac. R. Co.* (36 La. An. 898) 1982  
*Hequembourg v. Dunkirk* (49 Hun [N. Y.] 550; 2 N. Y. Supp. 447) 1912, 2100, 2117, 2120  
*Herbert v. Benson* (2 La. An. 770) 1784, 1786, 1792  
*Herhold v. Chicago* (108 Ill. 467) 1711  
*Heriot's Hospital Feoffees v. Ross* (2 Clark & Finn, 507) 2897

# TABLE OF CASES CITED

181

[References are to pages]

<b>Herman v. Crete</b> (9 Neb. 350) 2813	<b>Hesselbach v. St. Louis</b> (179 Mo. 505; 78 S. W. 1009) 1858, 1862, 2984, 2998
— <b>v. Essex County</b> (71 N. J. Eq. 541; 64 Atl. 742) 1274	<b>Hesseltine v. Wilbur</b> (29 Wash. 407; 69 Pac. 1094) 644
— <b>v. Omaha</b> (75 Neb. 489; 106 N. W. 593) 2577	<b>Hession v. Wilmington</b> (1 Marv. [Del.] 122; 40 Atl. 749) 3042, 3047, 3050, 3056
<b>Hermann v. Guttenberg</b> (63 N. J. L. 616; 44 Atl. 758) 60, 269, 328	<b>Hessler v. Drainage Com'rs</b> (53 Ill. 105) 2388, 2389
— <b>v. Oconto</b> (100 Wis. 391; 76 N. W. 364; s. c. 110 Wis. 660; 86 N. W. 681) 357, 358, 385, 397, 399, 400, 423, 907, 1158, 1159, 1278	<b>Hester v. Durham Traction Co.</b> (138 N. Car. 288; 50 S. E. 711; 1 L. R. A. n. s. 981) 1813, 2007
— <b>v. State</b> (11 Ohio Cir. Ct. 504) 1214	— <b>v. Thomson</b> (35 Wash. 119; 76 Pac. 734) 2656
<b>Herndon v. Salt Lake City</b> (34 Utah, 65; 95 Pac. 646) 1808	<b>Hester's Case</b> (2 Watts. & S. [Pa.] 416) 2676
<b>Herne v. Garton</b> (2 E. & E. 66) 1129	<b>Heth v. Fond du Lac</b> (63 Wis. 228; 23 N. W. 495; 53 Am. Rep. 279) 3044
<b>Herr v. Altoona</b> (31 Pa. Super. Ct. 375) 3057	— <b>v. Radford</b> (96 Va. 272; 31 S. E. 8) 2363
<b>Herrin v. Newton</b> (103 Ill. App. 423) 2999	<b>Hetland v. Norman County</b> (89 Minn. 492; 95 N. W. 305) 275, 278, 300
<b>Herring v. Dist. of Columbia</b> (2 Mackey, 87) 3049	<b>Hett v. Portsmouth</b> (73 N. H. 334; 61 Atl. 596) 1190
— <b>v. Dist. of Columbia</b> (3 Mackey, 572) 3044	<b>Heughes v. Board of Education</b> (37 N. Y. App. Div. 180; 55 N. Y. Supp. 799) 1143
— <b>v. Modesto Irrig. Dist.</b> (95 Fed. Rep. 705) 599	<b>Hewes v. Crete</b> (175 Ill. 348; 51 N. E. 696) 1688, 1732, 1734, 1735, 1741, 1742
<b>Herrington v. Lansingburg</b> (110 N. Y. 145; 17 N. E. 728; 6 Am. St. Rep. 348) 3024, 3025, 3027	— <b>v. Glos</b> (170 Ill. 436; 48 N. E. 922) 2546, 2554, 2555
<b>Herrmann v. East St. Louis</b> (58 Ill. App. 166) 1684	— <b>v. Reis</b> (40 Cal. 255) 2452, 2609, 2631
<b>Herron v. Duquesne</b> (34 Pa. Super. Ct. 231) 3039	<b>Hewett v. Western Un. Tel. Co.</b> (4 Mackey [D. C.] 424) 1922, 1924, 1926, 1930
— <b>v. Pittsburg</b> (204 Pa. 509; 54 Atl. 311; 93 Am. St. Rep. 798) 2135, 2910, 2911	— <b>v. Woman's Hospital Aid Association</b> (73 N. H. 556; 64 Atl. 190) 2898
<b>Herschberger v. Pittsburgh</b> (115 Pa. 78; 8 Atl. 381) 2487	<b>Hewin v. Atlanta</b> (121 Ga. 723; 49 S. E. 765; 67 L. R. A. 795) 1008
<b>Hersey v. Milwaukee County</b> (16 Wis. 185; 82 Am. Dec. 713) 2447	<b>Hewison v. New Haven</b> (34 Conn. 136; 91 Am. Dec. 718) 2961, 2962, 2978, 2988
<b>Hershfield v. Rocky Mt. B. T. Co.</b> (12 Mont. 102; 29 Pac. 883) 1930	— <b>v. New Haven</b> (37 Conn. 475; 9 Am. Rep. 342) 1787, 2883, 2958, 2960
<b>Hershoff v. Beverly</b> (43 N. J. L. 139) 1123	<b>Hewitt v. Cleveland</b> (21 Ohio Cir. Ct. R. 505) 2963, 3012
— <b>v. Beverly</b> (45 N. J. L. 288) 986, 1017	— <b>v. Normal School Dist.</b> (94 Ill. 528) 537, 1339
<b>Hertig v. People</b> (159 Ill. 237; 42 N. E. 879; 50 Am. St. Rep. 162) 2611	— <b>v. Pulaski</b> ([Tenn. Ch. App.], 36 S. W. 878) 1706
<b>Herzo v. San Francisco</b> (33 Cal. 134) 933, 1183, 1590, 2823	— <b>v. San Jacinto &amp; P. V. Irrig. Dist.</b> (124 Cal. 186; 56 Pac. 893) 2123
<b>Herzog v. New York Elev. R. Co.</b> (76 Hun [N. Y.] 486; 27 N. Y. Supp. 1034, aff'd 151 N. Y. 665; 46 N. E. 1148) 1966, 2040	<b>Hewitt's Appeal</b> (88 Pa. 55) 2425, 2636
<b>Heseltan v. Harmon</b> (80 Me. 326; 14 Atl. 286) 1742	<b>Hexamer v. Webb</b> (101 N. Y. 377; 4 N. E. 755; 54 Am. Rep. 703) 1870
<b>Hesing v. Scott</b> (107 Ill. 600) 1844	
<b>Hesketh v. Braddock</b> (3 Burrows, 1847) 975, 983, 1116, 1120, 1121, 1123	
<b>Heslep v. Sacramento</b> (2 Cal. 580) 740	
<b>Hess v. Pegg</b> (7 Nev. 23) 1285	

[References are to pages]

- Hey v. Philadelphia* (81 Pa. 44; 22 Am. Rep. 733) 2963, 2965, 2990, 2993  
*Heyker v. Herbst* (106 Ky. 509; 50 S. W. 859; 51 S. W. 820) 666, 846, 923  
*Heylman v. Dist. of Columbia* (27 App. D. C. 563) 925, 929  
*Heymann v. Southern R. Co.* (203 U. S. 270, rev'g 118 Ga. 616; 45 S. E. 491) 2352  
*Heyneman v. Blake* (19 Cal. 579) 1645, 1670  
*Heyward v. New York* (7 N. Y. 314, aff'g 8 Barb. [N. Y.] 486) 1561, 1569, 1619, 1620, 1915  
*Heywood v. Buffalo* (14 N. Y. 534) 2747, 2748, 2765, 2787, 2789, 2794  
*Hibbard v. Chicago* (173 Ill. 91; 50 N. E. 256; 40 L. R. A. 621, aff'g 59 Ill. App. 470) 900, 1886  
—— *v. Clark* (56 N. H. 155; 22 Am. Rep. 442) 2479  
—— *v. People* (4 Mich. 126) 1113  
—— *v. State* (65 Ohio St. 574; 64 N. E. 109) 299  
*Hibben v. Smith* (158 Ind. 206; 62 N. E. 447, aff'd 191 U. S. 310) 2316, 2364, 2366, 2368, 2502, 2521, 2534, 2604, 2623  
*Hibernian Benevolent Soc. v. Kelly* (28 Oreg. 173; 42 Pac. 3; 52 Am. St. Rep. 769) 2444, 2446  
*Hibernia Sav. & Loan Soc. v. San Francisco* (200 U. S. 310) 2321, 2322  
*Hickerson v. Mexico* (58 Mo. 61) 1707, 2873  
*Hickman v. Kansas City* (120 Mo. 110; 25 S. W. 225; 23 L. R. A. 658; 41 Am. St. Rep. 684) 1682, 1684  
—— *v. Layne* (47 Neb. 177; 66 N. W. 298) 1266  
—— *v. O'Neal* (10 Cal. 294) 1118  
*Hickok v. Plattsburg* (16 N. Y. 161) 2903, 3012  
—— *v. Plattsburg* (15 Barb. [N. Y.] 427) 467  
*Hickory v. Southern R. Co.* (137 N. Car. 189; 49 S. E. 202) 1648  
*Hickox v. Cleveland* (8 Ohio, 543; 32 Am. Dec. 730) 2930  
*Hicks v. Cleveland* (106 Fed. Rep. 459) 2688  
—— *v. Dorn* (42 N. Y. 47, aff'g 54 Barb. [N. Y.] 172) 767, 773, 2918  
—— *v. International & G. N. R. Co.* (62 Tex. 38) 2028  
—— *v. Launcelot* (1 Rol. Abr. 513) 720  
—— *v. Long Branch Com'rs* (69 N. J. L. 300; 54 Atl. 568) 836, 873, 902  
*Hicks v. Roanoke Brick Co.* (94 Va. 741; 27 S. E. 596) 472, 1271, 1588  
*Hieronymus v. Bienville Water Supply Co.* (131 Ala. 447; 31 So. 31) 2218, 2219  
*Hiestand v. New Orleans* (14 La. An. 330) 736  
*Higbee v. Camden & A. R. & T. Co.* (20 N. J. Eq. 435) 1789  
—— *v. Rodeman* (129 Ind. 244; 28 N. E. 442) 1563  
*Higbie v. New York Board of Education* (122 N. Y. App. Div. 483; 107 N. Y. Supp. 168) 2868, 2889  
*Higert v. Greencastle* (43 Ind. 574) 2984, 2987, 2993, 3003, 3012, 3019  
*Higgins v. Albany* (130 N. Y. App. Div. 276; 114 N. Y. Supp. 516) 2815, 2816  
—— *v. Bordages* (88 Tex. 458; 31 S. W. 52, 803; 53 Am. St. Rep. 770) 2576  
—— *v. Chicago* (18 Ill. 276) 1650, 1651, 1653, 1655, 1661, 2487, 2578  
—— *v. Galesburg* (96 Ill. App. 471) 2709  
—— *v. Glens Falls* (124 N. Y. 666; 27 N. E. 855) 2985  
—— *v. Guardians of Northwich Union* (22 L. T. N. S. 752) 1056  
—— *v. Midland County* (52 Mich. 16; 17 N. W. 223) 2653  
—— *v. New York* (131 N. Y. 128; 30 N. E. 44) 746  
—— *v. Princeton* (4 Halsted Ch. 309) 1075  
—— *v. Reynolds* (31 N. Y. 151) 1818  
—— *v. San Diego Water Co.* (118 Cal. 524; 45 Pac. 824; 50 Pac. 670; s. c. 131 Cal. 294; 63 Pac. 470) 362, 411, 413, 414, 415, 417, 2293, 2300  
*Higginson v. Nahant* (11 Allen [Mass.] 530) 1639, 2957  
*High v. Shoemaker* (22 Cal. 363) 2469, 2505  
*Highbarger v. Milford* (71 Kan. 331; 80 Pac. 633) 1835, 1841, 1844  
*Highland v. Galveston* (54 Tex. 527) 2563  
*Highland Park v. McAlpine* (117 Mich. 666; 76 N. W. 159) 1386  
*Highland Turnp. Co. v. McKean* (10 Johns. [N. Y.] 154) 442, 888, 889  
*Highlands v. Raine* (23 Colo. 295; 47 Pac. 283) 3001  
*High School v. Sumner County* (61 Kan. 796; 60 Pac. 1057) 660  
*Hight v. Monroe Co.* (68 Ind. 576) 564, 1233, 1247  
*Hightower v. Slaton* (54 Ga. 108; 21 Am. Rep. 273) 742

## TABLE OF CASES CITED

183

[References are to pages]

<b>Hightstown v. Glenn</b> (47 N. J. L. 105) 274, 282	<b>Hill v. La Crosse R. Co.</b> (11 Wis. 214) 2424
<b>Highway Com'rs v. Jackson</b> (165 Ill. 17; 45 N. E. 1000) 355, 369, 379	— <b>v. Livingston Co. Sup.</b> (12 N. Y. 52) 1832, 1833
<b>Higley v. Bunce</b> (10 Conn. 567) 945, 946	— <b>v. Logan County</b> (57 Ark. 400; 21 S. W. 1063) 1314
<b>Hilbish v. Catherman</b> (64 Pa. St. 154) 568, 2312, 2314	— <b>v. Memphis</b> (134 U. S. 198) 1333
<b>Hildreth v. Longmont</b> (47 Colo. 79; 105 Pac. 107) 2525, 2617	— <b>v. New York</b> (139 N. Y. 495; 34 N. E. 1090) 480
— <b>v. Lowell</b> (11 Gray [Mass.] 345) 1636, 2610, 2874, 2875, 2916	— <b>v. Paul</b> (8 Cl. & Fin. 295) 743
<b>Hildreth's Heirs v. McIntire's Devisee</b> (1 J. J. Marsh [Ky.] 206) 843	— <b>v. St. Louis</b> (59 Mo. 412) 2922
<b>Hildrup v. Windfall City</b> (29 Ind. App. 592; 64 N. E. 942) 1821	— <b>v. Scotland County</b> (32 Fed. Rep. 716) 2695
<b>Hilgert v. Barber Asph. Pav. Co.</b> (107 Mo. App. 385; 81 S. W. 496) 842, 2634	— <b>v. Scotland County</b> (34 Fed. Rep. 208) 1475
<b>Hill v. Abbeville</b> (59 S. Car. 396; 38 S. E. 11) 2471	— <b>v. Sedalia</b> (64 Mo. App. 494) 2975, 2984
— <b>v. Anderson</b> (122 Ky. 87; 90 S. W. 1071) 590, 2747	— <b>v. State</b> (4 Sneed [Tenn.] 443) 1049, 2802, 2803
— <b>v. Boston</b> (122 Mass. 344; 23 Am. Rep. 332) 25, 68, 69, 71, 73, 74, 182, 560, 767, 2674, 2854, 2855, 2860, 2861, 2863, 2874, 2882, 2888, 2908, 2913, 2916, 2930, 2945, 2950, 2957, 2958, 2980, 3006, 3011	— <b>v. Swingley</b> (159 Mo. 45; 60 S. W. 114) 2613
— <b>v. Boston</b> (193 Mass. 569; 79 N. E. 825) 809, 818, 820	— <b>v. Tottenham</b> (79 Law T. N. S. 495) 3026
— <b>v. Charlotte</b> (72 N. Car. 55; 21 Am. Rep. 451) 2839, 2850, 2981	<b>Hillhouse v. New Haven</b> (62 Conn. 344; 26 Atl. 393) 1814
— <b>v. Chicago, St. L. &amp; N. O. R. Co.</b> (38 La. An. 599) 2010	<b>Hilliard v. Asheville</b> (118 N. Car. 845; 24 S. E. 738) 2528
— <b>v. Clarinda</b> (103 Iowa, 409; 72 N. W. 542) 735	— <b>v. Fetter Lighting &amp; Heating Co.</b> (127 Ky. 95; 105 S. W. 115) 2147
— <b>v. County</b> (12 Iowa, 142) 530	— <b>v. Richardson</b> (3 Gray [Mass.] 349; 63 Am. Dec. 743) 2883, 3024, 3025, 3026
— <b>v. Dalton</b> (72 Ga. 314) 1118, 1125, 1128	<b>Hillman v. Seattle</b> (33 Wash. 14; 73 Pac. 791) 987
— <b>v. Decatur</b> (22 Ga. 203) 136, 901, 1017	<b>Hill-O'Meara Const. Co. v. Hutchinson</b> (100 Mo. App. 294; 73 S. W. 318) 2605, 2634
— <b>v. Fond du Lac</b> (56 Wis. 242; 14 N. W. 25) 2966, 2985	<b>Hills v. Peekskills Savings Bank</b> (101 N. Y. 490; 5 N. E. 327) 1499, 1501
— <b>v. Fontenot</b> (46 La. An. 1563; 16 So. 475) 2380, 2503	— <b>v. Peekskill Savings Bank</b> (26 Hun [N. Y.] 161) 2777, 2780
— <b>v. Forsythe Co.</b> (67 N. Car. 367) 570	<b>Hillsboro v. Ivey</b> (1 Tex. Civ. App. 653; 20 S. W. 1012) 2842
— <b>v. Glenwood</b> (124 Iowa, 475; 100 N. W. 522) 2972, 2991, 3000, 3002	<b>Hillsborough County v. Henderson</b> (45 Fla. 356; 33 So. 997) 1342, 1377, 1386
— <b>v. Grant</b> ([Tex. Civ. App.], 44 S. W. 1016) 440	<b>Hillyer v. St. Bartholomew's Hospital</b> (L. R. [1909] 2 K. B. 820) 2897
— <b>v. Higdon</b> (5 Ohio St. 243; 67 Am. Dec. 289) 135, 2375, 2492, 2495, 2576, 2593	— <b>v. Winsted</b> (77 Conn. 304; 59 Atl. 40) 2814
— <b>v. Houk</b> (155 Ala. 448; 46 So. 562) 1705, 1706	<b>Hilsdorf v. St. Louis</b> (45 Mo. 94) 2882
— <b>v. Indianapolis</b> (92 Fed. Rep. 467) 1190	<b>Hilton v. Cram</b> (112 N. Y. App. Div. 35; 97 N. Y. Supp. 1123) 715
— <b>v. Kahoka</b> (35 Fed. Rep. 32) 599	<b>Himmelman v. Danos</b> (35 Cal. 441) 2452
	— <b>v. Oliver</b> (34 Cal. 246) 2452, 2635
	<b>Himmelman v. Bateman</b> (50 Cal. 11) 2455



[References are to pages]

- Himmelman *v.* Byrne (41 Cal. 500) 2631  
 — *v.* Cofran (36 Cal. 411) 2627, 2638, 2654  
 — *v.* Hoadley (44 Cal. 213) 1812, 2629  
 — *v.* Spanagel (39 Cal. 389) 2488, 2627  
 Hinchman *v.* Detroit (9 Mich. 103) 1835, 1836  
 — *v.* Paterson Horse R. Co. (17 N. J. Eq. 75; 86 Am. Dec. 252) 1790, 1943, 1977, 1979, 2000, 2002, 2003, 2083  
 Hinckley *v.* Somerset (145 Mass. 326; 14 N. E. 166) 3016  
 Hincks *v.* Milwaukee (46 Wis. 559; 1 N. W. 230; 32 Am. Rep. 735) 3024  
 Hinde *v.* Wabash Nav. Co. (15 Ill. 78) 2882  
 Hindley *v.* Manhattan R. Co. (185 N. Y. 335; 78 N. E. 276, rev'g 103 N. Y. App. Div. 504; 93 N. Y. Supp. 53) 1777, 2039, 2040  
 Hinds *v.* Hinds (1 Iowa, 36) 636  
 Hine *v.* Keokuk & D. M. R. Co. (42 Iowa, 636) 1932, 1991  
 — *v.* Manhattan R. Co. (132 N. Y. 477; 30 N. E. 985; 15 L. R. A. 591) 2044  
 — *v.* New Haven (40 Conn. 478) 938, 990, 1107, 1108  
 — *v.* New York Elev. R. Co. (128 N. Y. 571; 29 N. E. 69) 2041  
 Hiner *v.* Fond du Lac (71 Wis. 74; 36 N. W. 632) 2816, 3032  
 Hines *v.* Charlotte (72 Mich. 278; 40 N. W. 333; 1 L. R. A. 844) 1107  
 — *v.* Cons. Coal & Lime Co. (29 Ind. App. 563; 64 N. E. 886) 1266  
 — *v.* Dist. of Columbia (11 D. C. 141) 747  
 — *v.* Leavenworth (3 Kan. 186) 135, 2377, 2378, 2397, 2502, 2565, 2638  
 — *v.* Lockport (50 N. Y. 236) 770, 2997, 3055  
 — *v.* Lockport (5 Lans. [N. Y.] 17) 2993  
 — *v.* Lockport (41 How. Pr. [N. Y.] 435) 1812  
 Hinkle, *Ex parte* (104 Mo. App. 104; 78 S. W. 317) 914, 919, 1022  
 — *v.* Philadelphia (214 Pa. 126; 63 Atl. 590) 1178  
 Hinkley *v.* Arkansas City (69 Fed. Rep. 768) 1485  
 — *v.* Bishopp (152 Mich. 256; 114 N. W. 676) 2370  
 Hinman *v.* Clarke (121 N. Y. App. Div. 105; 105 N. Y. Supp. 725; aff'g 51 N. Y. Misc. 252; 100 N. Y. Supp. 1068) 1089  
 — *v.* Warren (6 Oreg. 408, 411) 494  
 Hinsdale *v.* Shannon (182 Ill. 312; 55 N. E. 327) 2453, 2623  
 Hinton *v.* Lindsay (20 Ga. 746) 721  
 Hinze *v.* People (92 Ill. 406) 294, 2389  
 Hipwell *v.* National Surety Co. (130 Iowa, 656; 105 N. W. 318) 1266, 1282  
 Hirsch *v.* Brunswick (114 Ga. 776; 40 S. E. 786) 1595  
 Hirt *v.* Erie (200 Pa. St. 223; 49 Atl. 796) 380  
 Hirth *v.* Indianapolis (18 Ind. App. 673; 48 N. E. 876) 3043, 3045, 3061  
 Hisey *v.* Charleston (62 Mo. App. 381) 900  
 — *v.* Mexico (61 Mo. App. 248) 1886  
 Hitchcock *v.* Essex & H. Gas Co. (70 N. J. L. 492; 57 Atl. 135, aff'd 71 N. J. L. 565; 61 Atl. 397) 2219  
 — *v.* Galveston (96 U. S. 341) 457, 463, 545, 549, 1169, 1181, 1548, 2404, 2598, 2621, 2627  
 Hitchins *v.* Frostburg (68 Md. 100; 11 Atl. 826; 6 Am. St. Rep. 422) 3044, 3045, 3055, 3061  
 Hite *v.* Goodman (1 Dev. & Bat. Eq. [N. Car.] 364) 777  
 Hitt *v.* Kansas City (110 Mo. App. 713; 85 S. W. 669) 2972, 3015  
 Hixon *v.* Gould (181 Mass. 567; 64 N. E. 409) 345  
 — *v.* Lowell (13 Gray [Mass.] 59) 2957, 2958, 2959, 2961, 2962, 2988, 2989  
 Hixson *v.* Burson (54 Ohio St. 470; 43 N. E. 1000) 251, 265, 287  
 Hoadley *v.* San Francisco (50 Cal. 265) 1561, 1896  
 Hoadley's Admrs. *v.* San Francisco (124 U. S. 639) 1583  
 Hoag *v.* Durfey (1 Aiken [Vt.] 286) 878  
 — *v.* Greenwich (133 N. Y. 152; 30 N. E. 842) 1538, 1540, 1547  
 — *v.* Lake Shore & M. S. R. Co. (85 Pa. 293; 27 Am. Rep. 653) 2969  
 — *v.* Lamont (60 N. Y. 96) 1133  
 Hoagland *v.* Sacramento (52 Cal. 142) 222  
 Hoard *v.* Des Moines (62 Iowa, 326; 17 N. W. 527) 3045  
 Hobart *v.* Detroit (17 Mich. 246; 97 Am. Dec. 185) 1204, 2762  
 — *v.* Milwaukee (27 Wis. 194; 9 Am. Rep. 461) 1980, 2002, 2008  
 Hobart *v.* Supervisors (17 Cal. 23) 127  
 Hobbs *v.* Long Dist. Tel. Co. (147 Ala. 393; 41 So. 1003; 7 L. R. A. N. S. 87) 1930  
 — *v.* Lowell (19 Pick. [Mass.] 415; 31 Am. Dec. 145) 1726  
 — *v.* McLean (117 U. S. 567) 1280



## TABLE OF CASES CITED

185

[References are to pages]

- Hobbs v. Yonkers* (102 N. Y. 13; 5 N. E. 778) 733, 741
- Hoblit v. Bloomington* (87 Ill. App. 479) 1252
- Hoblyn v. Regem* (2 Bro. P. C. 520) 839
- Hoboken v. Bailey* (37 N. J. L. 519) 522
- *v. Gear* (27 N. J. L. 625) 734, 783, 945, 947
- *v. Harrison* (30 N. J. L. 73) 664, 683, 684
- *v. Pennsylvania R. Co.* (124 U. S. 656) 493, 495, 501, 504, 1701, 1702
- Hoboken Land & Imp. Co. v. Hoboken* (36 N. J. L. 540) 501, 504, 1702, 1728, 1736, 1792, 1837, 1897, 2506, 2601
- Hoboken Mfrs. R. Co. v. Hoboken* (76 N. J. L. 122; 68 Atl. 1098) 2224
- Hoboken M. E. Church v. Hoboken* (33 N. J. L. 13) 1696, 1699, 1718, 1728, 1736, 1739, 1743, 1747, 1750, 1753, 1758, 1786, 1793
- Hobson v. Monteith* (15 Oreg. 251; 14 Pac. 740) 1716
- *v. Philadelphia* (150 Pa. 595; 24 Atl. 1048) 2924
- Hockaday v. Chaffee County* (1 Colo. App. 362; 29 Pac. 287) 1292, 1307
- Hodgdon v. Haverhill* (193 Mass. 327; 79 N. E. 818) 2536, 2583
- *v. Haverhill* (193 Mass. 406; 79 N. E. 830) 2774
- *v. Lincoln County* (68 Me. 226) 2793
- Hodge v. Muscatine County* (196 U. S. 276, aff'g 121 Iowa, 482; 96 N. W. 968; 104 Am. St. Rep. 304) 2359, 2360, 2364, 2473
- Hodges v. Baltimore Union Pass. R. Co.* (58 Md. 603) 1979, 2002
- *v. Buffalo* (2 Denio [N. Y.] 110) 452, 553, 566, 1154, 1156, 1180, 1183, 1190, 1191, 1195, 1296, 2769
- *v. Crowley* (186 Ill. 305; 57 N. E. 889) 354, 355
- *v. Nashville* (2 Humph. [Tenn.] 61) 1000
- *v. Schuler* (22 N. Y. 114) 1301
- *v. Seaboard & R. R. Co.* (88 Va. 653; 14 S. E. 380) 2011
- *v. Waterloo* (109 Iowa, 444; 80 N. W. 523) 2967
- *v. Western Union Tel. Co.* (72 Miss. 910; 18 So. 84; 29 L. R. A. 770) 1926, 1927, 2062
- Hodgins v. Bay City* (156 Mich. 687; 121 N. W. 274; 132 Am. St. Rep. 546) 2911
- Hodgman v. Chicago & St. P. R. Co.* (20 Minn. 48) 2775
- Hoefling v. San Antonio* (85 Tex. 228; 20 S. W. 85; 16 L. R. A. 608) 2470, 2471, 2474
- Hoehl v. Muscatine* (57 Iowa, 444; 10 N. W. 830) 3037
- Hoell v. Camden* (68 N. J. L. 226; 52 Atl. 213) 667
- Hoertz v. Jefferson Southern Pond Draining Co.* (119 Ky. 824; 84 S. W. 1141) 2367, 2604
- Hoey v. Gilroy* (129 N. Y. 132; 29 N. E. 85) 1782, 1783, 1886
- *v. Natick* (153 Mass. 528; 27 N. E. 595) 3014
- Hofacre v. Monticello* (128 Iowa, 239; 103 N. W. 488) 765, 766
- Hoff v. Jasper County* (110 U. S. 53) 1373
- Hoffart v. West Turin* (90 App. Div. 348; 85 N. Y. Supp. 471) 2977
- Hoffman v. Commissioners* (3 Okla. 325; 41 Pac. 566) 403
- *v. Flint & P. M. R. Co.* (114 Mich. 316; 72 N. W. 167) 2013
- *v. Jersey City* (34 N. J. L. 172) 665, 945
- *v. Muscatine* (113 Iowa, 332; 85 N. W. 17) 3037, 3043, 3061
- *v. St. Louis* (15 Mo. 651) 1820, 2926
- *v. Van Nostrand* (42 Barb. [N. Y.] 174) 605
- Hofmayer v. Blakely* (116 Ga. 777; 43 S. E. 69) 926
- Hogan v. Central Pac. R. Co.* (71 Cal. 83; 11 Pac. 876) 2010
- *v. Collins* (183 Mass. 43; 66 N. E. 429) 801, 811, 819
- *v. Watervliet* (42 N. Y. App. Div. 325; 59 N. Y. Supp. 103) 2985
- Hogencamp v. Paterson H. R. Co.* (17 N. J. Eq. 83) 2000
- Hogg v. Beerman* (41 Ohio St. 81; 52 Am. Rep. 71) 494
- *v. Ward* (3 H. & N. 417) 676
- Hoggard v. Monroe* (51 La. An. 683; 25 So. 349) 517, 2868
- Hoggett v. Mt. Vernon* (36 N. Y. App. Div. 374; 55 N. Y. Supp. 315) 706
- Hogue v. Albina* (20 Oreg. 182; 25 Pac. 386; 10 L. R. A. 673) 1709, 1737
- Hohl v. Westford* (33 Wis. 324) 2652
- Hohokus v. Erie R. Co.* (65 N. J. L. 353; 47 Atl. 566) 1703, 1730, 1739
- Hoke v. Henderson* (4 Dev. [N. Car.] 1) 717, 729, 730
- *v. Perdue* (62 Cal. 545) 63, 141
- Holberg v. Macon* (55 Miss. 112) 2382, 2793

[References are to pages]

- Holborn Union *v.* Vestry of St. Leonard, Shoreditch (L. R. 2 Q. B. Div. 145) 559
- Holbrock *v.* Smedley (79 Ohio St. 391; 87 N. E. 269) 2730
- Holbrook *v.* Dickinson (46 Ill. 285) 2485, 2544
- *v.* Toledo (28 Ohio Cir. Ct. Rep. 284) 1206
- Holcomb *v.* Danby (51 Vt. 428) 2820
- *v.* Davis (56 Ill. 413) 654
- Holdane *v.* Cold Springs Trs. (21 N. Y. 474; s. c. 23 Barb. [N. Y.] 103) 1724, 1725, 1743
- Holden *v.* Alton (179 Ill. 318; 53 N. E. 556) 212, 1215, 1216, 2763
- *v.* Chicago (185 Ill. 526; 56 N. E. 1118) 2453
- *v.* Crawfordsville (143 Ind. 558; 41 N. E. 370) 1662
- *v.* Hardy (169 U. S. 366) 204, 205, 208, 1016
- Holder *v.* Galena (19 Ill. App. 409) 1010
- *v.* Yonkers (39 N. Y. App. Div. 1; 56 N. Y. Supp. 912, rev'g 25 N. Y. Misc. 250; 55 N. Y. Supp. 254) 1558, 1593, 2102
- Holding *v.* St. Joseph (92 Mo. App. 143) 2975, 2999
- Holdom *v.* Chicago (169 Ill. 109; 48 N. E. 164) 2447
- Holdsworth *v.* Dartmouth (11 Ad. & El. 490) 565, 630
- Holihan *v.* New York City (33 N. Y. Misc. 249; 68 N. Y. Supp. 148) 1292, 1320
- Holitz *v.* Kansas City (68 Kan. 157; 74 Pac. 594) 3014
- Holl *v.* Manchester (40 N. H. 410) 2963
- Holladay *v.* Frisbie (15 Cal. 631) 1583, 1585, 1586
- *v.* Marsh (3 Wend. [N. Y.] 142; 20 Am. Dec. 678) 964
- *v.* San Francisco (124 Cal. 352; 57 Pac. 146) 1704, 1896
- Holland *v.* Baltimore (11 Md. 186) 447, 458, 990, 1814, 2596, 2597, 2756, 2783, 2789
- *v.* Bartch (120 Ind. 46; 22 N. E. 83; 16 Am. Rep. 307) 1084
- *v.* People (189 Ill. 348; 59 N. E. 753) 2451, 2452, 2455
- *v.* San Francisco (7 Cal. 361) 235
- *v.* Spell (144 Ind. 561; 42 N. E. 1014) 880
- Holland's Case (11 Md. 186) 447, 458, 990, 1814, 2596, 2597, 2756, 2783, 2789
- Holland House Co. *v.* Baird (169 N. Y. 136; 62 N. E. 149) 1863
- Hollenbeck *v.* Marion (116 Iowa, 69; 89 N. W. 210) 3059
- Hollenbeck *v.* Marshalltown (62 Iowa, 21; 17 N. W. 155) 1125
- *v.* Winnebago County (95 Ill. 148; 35 Am. Rep. 151) 2856, 2857
- Holliday *v.* Atlanta (96 Ga. 377; 23 S. E. 406) 233, 2641
- *v.* Hildebrandt (97 Iowa, 177; 66 N. W. 89) 346, 382, 438, 1454
- *v.* People (10 Ill. 216) 144, 152
- *v.* St. Leonard's Par. (11 C. B. N. s. 192) 3054
- *v.* Sweet Grass County (19 Mont. 364; 48 Pac. 553) 308, 309, 324
- Hollingsworth *v.* Fort Dodge (125 Iowa, 627; 101 N. W. 455) 3002
- *v.* Parish of Tensas (17 Fed. Rep. 109) 556, 1661
- Hollister, Matter of (96 N. Y. App. Div. 501; 89 N. Y. Supp. 518, aff'g 180 N. Y. 518; 72 N. E. 1143) 618
- *v.* Union Co. (9 Conn. 436; 25 Am. Dec. 36) 498, 2927
- Hollitza *v.* Kansas City (68 Kan. 157; 74 Pac. 594) 2998
- Holloran *v.* Morman (27 Ind. App. 309; 59 N. E. 869) 2629
- Holloway *v.* Kansas City (184 Mo. 19; 82 S. W. 89) 2999
- *v.* Macon Gaslight & W. Co. (132 Ga. 387; 64 S. E. 330) 2301, 2304
- Hollwedell, *Ex parte* (74 Mo. 395) 977, 1125
- Holly Grove *v.* Smith (63 Ark. 5; 37 S. W. 956) 1697, 1715
- Holman, *In re* (28 Iowa, 88; 4 Am. Rep. 159) 2679, 2695
- , *Ex parte* (36 Tex. Crim. Rep. 255; 36 S. W. 441) 2326
- *v.* Hodges (112 Iowa, 714; 84 N. W. 950; 58 L. R. A. 673; 84 Am. St. Rep. 367) 484
- *v.* Townsend (13 Met. [Mass.] 297) 2970
- Holmes *v.* Atlanta (113 Ga. 961; 39 S. E. 458) 3037, 3043, 3056
- *v.* Cleveland C. & C. R. Co. (93 Fed. Rep. 100) 1695, 1700
- *v.* Detroit (120 Mich. 226; 79 N. W. 200; 45 L. R. A. 121; 77 Am. St. Rep. 587) 1204, 1208, 1209, 1210
- *v.* Finklenburg (54 Ill. 203) 1118
- *v.* Jersey City (12 N. J. Eq. 299) 1665, 1728, 2748, 2753, 2793, 2796
- *v.* Mattoon (111 Ill. 37; 53 Am. Rep. 602) 1239
- *v.* Paris (75 Me. 559) 3016

## TABLE OF CASES CITED

187

[References are to pages]

- Holmes v. Shreveport** (31 Fed. Rep. 113) 531, 1547  
 — *v. Sikes* (113 Ga. 580; 38 S. E. 978) 2743  
 — *v. Wilson* (10 A. & E. 503) 1037  
**Holmes & Bull Furn. Co. v. Hedges** (13 Wash. 696; 43 Pac. 944) 330, 342  
**Holroyd v. Indian Lake** (180 N. Y. 318; 73 N. E. 36, aff'g 85 N. Y. App. Div. 246; 83 N. Y. Supp. 533) 2110, 2675  
 — *v. Pumphrey* (18 How. [U. S.] 69) 2485  
**Holst v. Roe** (39 Ohio St. 340; 48 Am. Rep. 459) 1100, 1102  
 — *v. Savannah Elect. Co.* (131 Fed. Rep. 931) 897  
 — *v. Streitz* (16 Neb. 249) 1722  
**Holt v. Somerville** (127 Mass. 408) 869, 1621, 1746, 2608  
**Holt County v. National Life Ins. Co.** (80 Fed. Rep. 686) 406, 1497  
**Holtum v. Greif** (144 Cal. 521; 78 Pac. 1) 2652  
**Holtz v. Diehl** (26 N. Y. Misc. 224; 56 N. Y. Supp. 841) 2778  
**Holtzclaw v. Riley** (113 Ga. 1023; 39 S. E. 425) 2658  
**Holyoke Water Power Co. v. Connecticut River Co.** (52 Conn. 570) 498  
**Holzhauser v. Newport** (94 Ky. 396; 22 S. W. 752) 2502, 2565  
**Holzhausen v. New York** (116 N. Y. App. Div. 812; 102 N. Y. Supp. 145) 3052  
**Home v. Earl Camden** (2 H. Bl. 533) 2800  
**Home Building & C. Co. v. Roanoke** (91 Va. 52; 20 S. E. 895; 27 L. R. A. 551) 1821, 1835, 2918, 2931  
**Home for the Care of the Inebriate v. San Francisco** (119 Cal. 534; 51 Pac. 950) 1755  
**Home Ins. Co. v. Augusta** (93 U. S. 116) 178, 179  
 — *v. Augusta* (50 Ga. 530) 2470  
 — *v. Board of Assessors* (42 La. An. 1131; 8 So. 481) 2440  
 — *v. Morse* (20 Wall. [U. S.] 445) 2358  
 — *v. New York* (134 U. S. 594) 2465  
**Home of the Friendless v. Rouse** (8 Wall. [U. S.] 430) 464, 2448  
**Homer v. Duluth** (70 Minn. 378; 73 N. W. 176) 1684  
**Homersham v. Wolv. &c. Co.** (4 Eng. Law & Eq. 426) 1170  
**Home Savings & Trust Co. v. Polk County** (121 Iowa, 1; 95 N. W. 522) 2792  
**Home Sav. Bank v. Des Moines** (205 U. S. 503) 2322  
**Homestead St. R. Co. v. Pittsburg & H. E. St. R. Co.** (166 Pa. 162; 30 Atl. 950; 27 L. R. A. 383) 1948, 1973  
**Home Tel. & Tel. Co. v. Los Angeles** (211 U. S. 265, aff'g 155 Fed. Rep. 554) 2229, 2231, 2232, 2233, 2235, 2239, 2243, 2247, 2251  
**Home Tel. Co. v. Nashville** (118 Tenn. 1; 101 S. W. 770) 1927  
**Homewood v. Hamilton** (1 Ont. Law Rep. [Can.] 266) 2963, 2972, 3000  
**Hone v. Presque Isle Water Co.** (104 Me. 217; 71 Atl. 769; 21 L. R. A. n. s. 1021) 2301, 2304  
**Hong Shen, Ex parte** (98 Cal. 681; 33 Pac. 799) 972  
**Honolulu R. T. & L. Co. v. Hawaii** (211 U. S. 282) 2260, 2261  
 — *v. Wilder* (211 U. S. 137, aff'g 18 Hawaii, 668) 2420, 2450  
**Hood v. Lynn** (1 Allen [Mass.] 103) 456, 566  
 — *v. Von Glahn* (88 Ga. 405; 14 S. E. 564) 967  
**Hooker v. New Haven & N. Co.** (14 Conn. 146; 36 Am. Dec. 477) 1821, 2927  
**Hookey v. Oakdale** (5 Pa. Super. Ct. 404) 3026  
**Hooksett v. Amoskeag Manuf. Co.** (44 N. H. 105) 1834, 1848  
**Hoole v. Attorney-General** (22 Ala. 190) 1043, 1702, 1713  
**Hooper v. Bridgewater** (102 Mass. 512) 2798  
 — *v. California* (155 U. S. 648) 2353, 2357  
 — *v. Ely* (46 Mo. 505) 2768  
 — *v. Emery* (14 Maine, 375) 75, 76  
 — *v. Farnen* (85 Md. 587; 37 Atl. 430) 792  
**Hoops v. Ipava** (55 Ill. App. 94) 1040, 1046  
**Hoos v. O'Donnell** (60 N. J. L. 35; 37 Atl. 72, 447) 281  
**Hoover v. Deffenbaugh** (83 Neb. 476; 119 N. W. 1130) 2217  
 — *v. Mapleton* (110 Iowa, 571; 81 N. W. 776) 3001  
 — *v. People* (171 Ill. 182; 49 N. E. 367) 2452, 2595  
 — *v. Reap* (10 Kulp [Pa.] 59) 2647  
**Hope v. Alton** (214 Ill. 102; 73 N. E. 406, aff'g 116 Ill. App. 116) 672, 900, 902, 1170, 1245  
 — *v. Brewer* (136 N. Y. 126; 32 N. E. 558; 18 L. R. A. 458) 1570

[References are to pages]

- Hope *v.* Deaderick (8 Humph. [Tenn.] 1; 47 Am. Dec. 597) 2396  
 — *v.* New Orleans (106 La. 345; 30 So. 842) 686, 786  
 — *v.* Shiver (77 Ark. 177; 90 S. W. 1003) 1718, 1737, 1739  
 Hopewell *v.* State (22 Ind. App. 489; 54 N. E. 127) 440  
 Hopkins *v.* Catasauqua Mfg. Co. (180 Pa. 199; 36 Atl. 735) 1990  
 — *v.* Duluth (81 Minn. 189; 83 N. W. 536) 112, 115, 660  
 — *v.* Mason (61 Barb. [N. Y.] 469) 2611  
 — *v.* Mehaffy (11 Serg. & Rawl. [Pa.] 126) 1174  
 — *v.* Rush River (70 Wis. 10; 34 N. W. 909; 35 N. W. 939) 3003  
 — *v.* State (64 Neb. 10; 89 N. W. 401) 2649  
 — *v.* Swansea (4 M. & W. 621) 902, 903  
 — *v.* United States (171 U. S. 578) 2330  
 — *v.* Whitesides (1 Head [Tenn.] 31) 601  
 Hopkinson *v.* Exeter (Law Rep. 5 Eq. 63) 780  
 Hopkinton *v.* Springfield (12 N. H. 328) 765  
 Hopper *v.* Covington (8 Fed. Rep. 777, aff'g 118 U. S. 148) 528, 1335, 1345, 1355, 1422  
 — *v.* Livingston Probate Judge (137 Mich. 124; 100 N. W. 266) 2652  
 Horan *v.* Lane (53 N. J. L. 275; 21 Atl. 302) 923  
 — *v.* Orange (58 N. J. Law, 533; 33 Atl. 944) 713  
 Horbach *v.* Omaha (54 Neb. 83; 74 N. W. 434) 2563, 2608  
 Hordern *v.* Salvation Army (199 N. Y. 233; 92 N. E. 626, rev'g 131 N. Y. App. Div. 900; 115 N. Y. Supp. 1125) 2897  
 Horey *v.* Haverstraw (124 N. Y. 273; 26 N. E. 532) 1899, 2975  
 Horgan *v.* New York (160 N. Y. 516; 55 N. E. 204, rev'g 21 App. Div. 405; 47 N. Y. Supp. 580) 1226  
 — *v.* New York City (114 N. Y. App. Div. 555; 100 N. Y. Supp. 68) 1203  
 Horicon Drainage Dist., *In re* (136 Wis. 227; 116 N. W. 12) 1618  
 Horn *v.* Baltimore (30 Md. 218) 1153, 1154, 1156, 1180, 2873  
 — *v.* New Lots (83 N. Y. 100; 38 Am. Rep. 402) 2364, 2828  
 — *v.* People (23 Mich. 221) 506, 512  
 — *v.* State (114 Ga. 509; 40 S. E. 768) 445  
 — *v.* Whittier (6 N. H. 88) 683  
 Hornback *v.* Cincinnati & Z. R. Co. (20 Ohio St. 81) 1562  
 Hornbeck *v.* Westbrook (9 Johns. [N. Y.] 73) 1556, 1579  
 Hornberger *v.* State (47 Neb. 40; 66 N. W. 23) 440  
 Hornblower *v.* Dunden (35 Cal. 664) 1245  
 Horne *v.* Cumberland County (122 N. Car. 466; 29 S. E. 581) 2710  
 — *v.* Haverhill (110 Mass. 527) 1898  
 — *v.* Rochester (62 N. H. 347) 2820  
 Horner *v.* Coffey (25 Miss. 434) 1587, 2678  
 — *v.* Eaton Rapids (122 Mich. 117; 80 N. W. 1012) 2131, 2137  
 — *v.* Philadelphia (194 Pa. 542; 45 Atl. 330) 2960  
 — *v.* Pleasants (66 Md. 475; 7 Atl. 691) 485  
 — *v.* Rowley (51 Iowa, 620; 2 N. W. 436) 837, 906, 907  
 — *v.* Wood (23 N. Y. 350) 1277  
 Horney *v.* Sloan (1 Smith [Ind.] 136) 964  
 Horn Silver Min. Co. *v.* State (143 U. S. 305) 2354  
 Hornstein *v.* Atlantic & Gt. W. R. Co. (51 Pa. 87) 1682, 2939  
 Horsey *v.* Patterson (40 N. J. L. 186) 1245  
 Horsky *v.* Helena Consolidated Water Co. (13 Mont. 229; 33 Pac. 689) 2211  
 Horst *v.* Moses (48 Ala. 129) 1918  
 Horton *v.* Bristol (4 Lea [Tenn.] 39) 2838  
 — *v.* Garrison (23 Barb. [N. Y.] 176) 66  
 — *v.* Grand Haven (24 Mich. 465) 1670  
 — *v.* Ipswich (12 Cush. [Mass.] 488) 2967, 2970, 3003, 3018  
 — *v.* Mobile School Com'rs. (43 Ala. 598) 134  
 — *v.* Nashville (4 Lea [Tenn.] 47) 3049  
 — *v.* Newell (17 R. I. 571; 23 Atl. 910) 2876  
 — *v.* Newport ([R. I.], 61 Atl. 759; 1 L. R. A. n. s. 512) 162, 176  
 — *v.* Seattle (53 Wash. 316; 101 Pac. 1091) 2820, 2821  
 — *v.* State (60 Neb. 701; 84 N. W. 87) 2722  
 — *v.* Taunton (97 Mass. 266) 2978  
 — *v.* Thompson (71 N. Y. 513) 570, 1191, 1474, 1538, 1539, 1545, 2654  
 — *v.* Trompeter (53 Kan. 150; 35 Pac. 1106) 3001  
 — *v.* Williams (99 Mich. 423; 58 N. W. 369) 1841

## TABLE OF CASES CITED

189

[References are to pages]

- Hosford v. Kennedy** (69 Conn. 220; 37 Atl. 503) 787
- Hosmer v. Gloversville** (27 N. Y. Misc. 669; 59 N. Y. Supp. 559) 2923
- Hoster v. Philadelphia** (12 Pa. Super. Ct. 224) 2934
- Hostetter v. Pittsburgh** (107 Pa. 419) 1240
- Hotchin v. Kent** (8 Mich. 526) 1195
- Hotchkiss v. Marion** (12 Mont. 218; 29 Pac. 821) 380
- *v. Nat. Banks* (21 Wall. [U. S.] 354) 1353
- Hot Springs v. Curry** (64 Ark. 152; 41 S. W. 55) 943
- Hot Springs Electric Light Co. v. Hot Springs** (70 Ark. 300; 67 S. W. 761) 2150
- Hot Springs R. Co. v. Williamson** (136 U. S. 121, aff'g 45 Ark. 429) 2014, 2927, 2943
- *v. Williamson* (72 Ark. 52; 77 S. W. 916) 2014
- Houck v. Ashland** (40 Oreg. 117; 66 Pac. 697) 1017
- *v. Cape Girardeau Waterworks & E. L. Co.* ([Mo. App.], 114 S. W. 1099) 2304
- *v. Whitney* (14 Grant, 671) 1189
- Houfe v. Fulton** (29 Wis. 296; 9 Am. Rep. 568) 1793, 2964, 2990
- *v. Fulton* (34 Wis. 608; 17 Am. Rep. 463) 1833, 2975
- Hough, Ex parte** (69 Fed. Rep. 330) 2326
- *v. Bridgeport* (57 Conn. 290; 18 Atl. 102) 871
- *v. Cook County Land Co.* (73 Ill. 23; 24 Am. Rep. 230) 1581
- Houghton v. Burnham** (22 Wis. 301) 1212
- *v. Chicago, D. & M. Co.* (47 Iowa, 370) 484
- *v. Davenport* (23 Pick. [Mass.] 235) 830
- *v. Huron Copper Min. Co.* (57 Mich. 547; 24 N. W. 820) 1566, 1626, 1646
- Houghton's Case** (Sir R. T. Boyd, 215) 1037
- Houlton v. Titcomb** (102 Me. 273; 66 Atl. 733; 10 L. R. A. N. s. 580; 120 Am. St. Rep. 492) 985, 1106, 1107
- Hounsels v. Smyth** (7 C. B. N. s. 729) 3032
- Hourigan v. Norwich** (77 Conn. 358; 59 Atl. 487) 182, 2135, 2903, 2910
- House v. Greensburg** (93 Ind. 533) 440, 1844
- *v. Houston Waterworks Co.* (88 Tex. 233; 31 S. W. 179; 28 L. R. A. 532) 2304, 2305
- House v. Montgomery County** (60 Ind. 580) 2856, 2953, 2987
- House Bill, No. 203, In re** (21 Colo. 27; 39 Pac. 431) 206
- House Resolutions, In re** (15 Colo. 598; 26 Pac. 323) 2504, 2566
- Householder v. Kansas City** (83 Mo. 488) 2927, 2947
- Houseman v. Commonwealth** (100 Pa. St. 222) 782
- *v. Judge* (58 Mich. 364; 25 N. W. 369) 148
- Houston, In re** (47 Fed. Rep. 539; 14 L. R. A. 719) 2326
- *v. Bartels* (36 Tex. Civ. App. 498; 82 S. W. 323) 1606, 1679
- *v. Bryan* (2 Tex. Civ. App. 553; 22 S. W. 231) 3060, 3061
- *v. Chicago* (191 Ill. 559; 61 N. E. 396) 2453
- *v. Clay County* (18 Ind. 396) 777
- *v. Estes* (35 Tex. Civ. App. 99; 79 S. W. 848) 681, 744, 745, 746
- *v. Finnegan* ([Tex. Civ. App.], 85 S. W. 470) 1733, 1735, 1743, 1745, 1746
- *v. Glover* (40 Tex. Civ. App. 177; 89 S. W. 425) 358, 423, 1203
- *v. Houston St. R. Co.* (83 Tex. 548; 19 S. W. 127) 2166
- *v. Hutcheson* ([Tex. Civ. App.], 81 S. W. 86) 3037
- *v. Hutchins* ([Tex. Civ. App.], 33 S. W. 269) 2927
- *v. Isaaks* (68 Tex. 116; 3 S. W. 693) 2997, 3016, 3026
- *v. Lancaster* (191 Pa. St. 143; 43 Atl. 83) 427
- *v. Owen* ([Tex. Civ. App.], 67 S. W. 788) 3014
- *v. Potter* (41 Tex. Civ. App. 381; 91 S. W. 389) 423, 1203
- *v. Richardson* (42 Tex. Civ. App. 147; 94 S. W. 454) 3042
- *v. Stewart* (99 Tex. 67; 87 S. W. 663) 378
- *v. Stewart* (40 Tex. Civ. App. 499; 90 S. W. 49) 674, 1288
- *v. Vatter* (32 Tex. Civ. App. 298; 74 S. W. 806) 2997, 3014, 3016
- Houston & T. C. R. Co. v. Crawford** (88 Tex. 277; 31 S. W. 176; 28 L. R. A. 761) 2028
- *v. Odum* (53 Tex. 343) 1972
- *v. Shirley* (54 Tex. 125) 2028
- *v. Texas* (177 U. S. 66) 1182, 1284
- *v. Travis County* (62 Tex. 16) 1900
- Hovelman v. Kansas City H. R. Co.** (79 Mo. 632) 1959, 1960, 1985



[References are to pages]

- Hover *v.* Barkhoof (44 N. Y. 113) 767, 770  
 Hovey *v.* East Providence (17 R. I. 80; 20 Atl. 205; 9 L. R. A. 156) 1588  
 — *v.* Mayo (43 Me. 322) 458, 459, 1817, 1818, 1821, 1823, 2926, 2935  
 — *v.* Wyandotte County (56 Kan. 577; 44 Pac. 17) 2377  
 Hovey's Estate, *In re* (198 Pa. 385; 48 Atl. 311) 2327  
 Howard *v.* Brooklyn (30 N. Y. App. Div. 217; 51 N. Y. Supp. 1058) 2840, 2841, 2842, 2843  
 — *v.* First Indep. Church (18 Md. 451) 1183, 1665, 2494  
 — *v.* Gage (6 Mass. 462) 2670, 2743  
 — *v.* Huron (5 S. Dak. 539; 59 N. W. 833; s. c. 6 S. Dak. 180; 60 N. W. 803) 406, 1496, 2692  
 — *v.* Ingersoll (13 How. [U. S.] 381, 411) 493  
 — *v.* Kiowa County (73 Fed. Rep. 406) 1356, 1503  
 — *v.* Maine Ind. School (78 Me. 230; 3 Atl. 657) 1223  
 — *v.* North Bridgewater (16 Pick. [Mass.] 189) 2802, 2961, 2962, 2970, 2973  
 — *v.* Olyphant (181 Pa. 191; 37 Atl. 258) 895, 1172  
 — *v.* Providence (6 R. I. 514) 1678  
 — *v.* Rogers (4 Har. & J. [Md.] 278) 1697, 1717  
 — *v.* San Francisco (51 Cal. 52) 2847, 2893  
 — *v.* Savannah (T. Charlt. R. 173) 926  
 — *v.* Shields (16 Ohio St. 184) 644  
 — *v.* Shoemaker (35 Ind. 111) 667, 669, 1119  
 — *v.* Smith (91 Tex. 8; 38 S. W. 15) 354, 419  
 — *v.* Western R. Co. (94 U. S. 463) 1378  
 — *v.* Worcester (153 Mass. 426; 27 N. E. 11; 12 L. R. A. 160) 2880, 2888  
 Howard's Appeal (162 Pa. 374; 29 Atl. 641) 2170  
 Howard's Case (Hutt, 87) 588  
 Howard Ave. North, *In re* (44 Wash. 62; 86 Pac. 1117; 120 Am. St. Rep. 973) 2578  
 Howard County *v.* Legg (93 Ind. 523) 1832, 2953  
 — *v.* Paddock (110 U. S. 384) 1517  
 Howard-Harrison Iron Co., *Ex parte* (130 Ala. 185; 30 So. 400) 2799  
 Howard Street, *Re* (142 Pa. 601; 21 Atl. 974) 1840, 2593  
 Howe, *In re* (1 Paige [N. Y.] 214) 1579  
 — *v.* Alger (4 Allen [Mass.] 206) 1742  
 — *v.* Boston (7 Cush. [Mass.] 273) 2827  
 — *v.* Crawford County (47 Pa. St. 361) 2662  
 — *v.* Dunlap (12 Okl. 467; 72 Pac. 365) 2750  
 — *v.* Freeman (14 Gray [Mass.] 566) 2424  
 — *v.* Keeler (27 Conn. 538) 1190  
 — *v.* Landis Bd. of Education (72 N. J. L. 158; 60 Atl. 518) 307  
 — *v.* Lowell (101 Mass. 99) 3014, 3021  
 — *v.* Lowell (171 Mass. 575; 51 N. E. 536) 1562, 1564, 1565, 1831, 1911  
 — *v.* New Orleans (12 La. An. 481) 183, 2841, 2850, 2989, 3028, 3032  
 — *v.* Norris (12 Allen [Mass.] 82) 1080  
 — *v.* Orange (70 N. J. Eq. 648; 62 Atl. 777) 2224  
 — *v.* Plainfield (41 N. H. 135) 2963, 3021  
 — *v.* Plainfield (37 N. J. L. 145) 128, 968, 969, 972, 1119, 1125, 1128  
 — *v.* Rose (35 Tex. Civ. App. 328; 80 S. W. 1019) 2661  
 — *v.* West End St. R. Co. (167 Mass. 46; 44 N. E. 386) 2006  
 Howell *v.* Athens (91 Ga. 139; 16 S. E. 966) 431, 657  
 — *v.* Bristol (8 Bush [Ky.] 493) 1665, 2493, 2497  
 — *v.* Buffalo (15 N. Y. 512) 2399, 2641, 2813, 2814, 2826, 2869, 2873, 2876, 2878  
 — *v.* Buffalo (37 N. Y. 267) 2319, 2498, 2637, 2641  
 — *v.* Commonwealth (97 Pa. St. 332) 680  
 — *v.* Hogins (37 Ark. 110) 1308, 1314  
 — *v.* Millville (60 N. J. L. 95; 36 Atl. 691) 1222, 2509  
 — *v.* Morrisville (212 Pa. 349; 61 Atl. 932) 1840, 2636  
 — *v.* Peoria (90 Ill. 104) 437, 2772  
 — *v.* Philadelphia (38 Pa. 471) 2486  
 — *v.* Reynolds County (51 Mo. 154) 1292  
 Howell Elect. & P. Co. *v.* Howell (132 Mich. 117; 92 N. W. 940) 2201  
 Howe Machine Co. *v.* Cage (100 U. S. 676, aff'g 9 Baxt. [Tenn.] 518) 2323  
 Howerton *v.* Tate (66 N. Car. 231) 2669



## TABLE OF CASES CITED

191

[References are to pages]

- Howes v. Racine** (21 Wis. 514) 2769, 2789  
**Howey v. Fisher** (122 Mich. 43; 80 N. W. 1004) 3001  
**Howland v. Chicago** (108 Ill. 496) 2468  
 — *v. Luce* (16 Johns. [N. Y.] 135) 727  
 — *v. San Joaquin County* (109 Cal. 152; 41 Pac. 864) 422, 431, 654, 656, 662, 1459  
 — *v. Vincent* (10 Met. [Mass.] 371) 3032  
**Howsmon v. Trenton Water Co.** (119 Mo. 304; 24 S. W. 784; 41 Am. St. Rep. 654) 2304, 2305  
**Hoxie v. Somerset County** (25 Me. 333) 2706  
**Hoy v. Hubbell** (125 N. Y. App. Div. 60; 109 N. Y. Supp. 301) 2606  
 — *v. State* (168 Ind. 506; 81 N. E. 509) 2667  
**Hoyer v. North Tonawanda** (29 N. Y. Supp. 650; 79 Hun [N. Y.] 39) 3016  
**Hoyle v. New Orleans City R. Co.** (23 La. An. 535) 1972  
 — *v. Plattsburgh & M. R. Co.* (54 N. Y. 314; 13 Am. Rep. 595) 2424  
 — *v. Putnam* (46 Conn. 56) 2815, 2817  
**Hoyt, In re** (13 Pet. [U. S.] 279) 2647  
 — *v. Braden* (27 Minn. 490; 8 N. W. 591) 1534  
 — *v. East Saginaw* (19 Mich. 39) 2498, 2565, 2631  
 — *v. Fass* (64 Wis. 273; 25 N. W. 45) 1251  
 — *v. Gleason* (65 Fed. Rep. 685) 1754  
 — *v. Hudson* (27 Wis. 656; 9 Am. Rep. 473) 3036, 3041, 3046  
 — *v. New York Tax Com'rs* (23 N. Y. 228) 2408, 2418  
 — *v. Saginaw* (19 Mich. 39; 2 Am. Rep. 76) 924  
 — *v. Thompson* (19 N. Y. 207) 1190  
**Hubbard v. Concord** (35 N. H. 52; 69 Am. Dec. 520) 2962, 2968, 2973, 2978, 2984, 2985, 3014, 3021  
 — *v. Fayette* (70 Me. 121) 3003  
 — *v. Fitzsimmons* (57 Ohio St. 436; 49 N. E. 477) 2376  
 — *v. Goss* (157 Ind. 485; 62 N. E. 36) 2366  
 — *v. Lyndon* (28 Wis. 674) 1296  
 — *v. Mason* (60 Iowa, 400; 14 N. W. 772) 3004  
 — *v. Newton* (52 Vt. 346) 2407  
 — *v. Sadler* (104 N. Y. 223; 10 N. E. 426) 534, 1329, 1808  
 — *v. St. Joseph & C. B. R. Co.* (63 Mo. 68) 1562  
**Hubbard v. Winsor** (15 Mich. 146) 833  
 — *v. Woodsum* (87 Me. 88; 32 Atl. 802) 1832  
**Hubbel v. Maryville** (85 Mo. App. 165) 440, 2678  
**Hubbell v. Bennett** (130 Iowa, 66; 106 N. W. 375) 2631  
 — *v. Custer City* (15 S. Dak. 55; 87 N. W. 520) 1296  
 — *v. South Hutchinson* (64 Kan. 645; 68 Pac. 52) 1294, 1297, 1313  
 — *v. Viroqua* (67 Wis. 343; 30 N. W. 847; 58 Am. Rep. 866) 2842, 2982  
 — *v. Waterloo* (U. S. C. C. E. [Wis.]) 2696  
 — *v. Yonkers* (104 N. Y. 434; (10 N. E. 858; 58 Am. Rep. 522) 2965  
**Hubbert v. Campbellsville Lumber Co.** (191 U. S. 70, aff'g 112 Fed. Rep. 718) 1379  
**Huber v. Gazley** (18 Ohio, 18) 1747, 1791  
**Hubert v. New Orleans** (215 U. S. 170) 2403  
 — *v. People* (49 N. Y. 132) 137  
**Huck v. Chicago & A. R. Co.** (86 Ill. 352) 2468  
**Huckestein v. Alleghany City** (165 Pa. 367; 30 Atl. 982) 1652  
**Huddleson v. Ruffin** (6 Ohio St. 604) 944, 962  
**Huddleston v. Eugene** (34 Oreg. 343; 35 Pac. 868) 1770, 1799, 1800, 1815, 1826  
 — *v. West Bellevue* (111 Pa. St. 110; 2 Atl. 200) 3045  
**Hudmon v. Slaughter** (70 Ala. 546) 2657  
**Hudson v. Buck** (49 N. J. L. 228; 7 Atl. 860) 311  
 — *v. Buck* (51 N. J. L. 155; 16 Atl. 698) 297  
 — *v. Charleston* (97 Me. 17; 53 Atl. 832) 765, 766  
 — *v. Geary* (4 R. I. 485) 1015, 1095  
 — *v. Hoboken* (41 N. J. L. 71) 997  
 — *v. Marietta* (64 Ga. 286) 430, 437  
 — *v. Miller* (97 Ill. App. 74) 1690  
 — *v. People* (188 Ill. 103; 58 N. E. 964; 80 Am. St. Rep. 166) 2595  
 — *v. Thorne* (7 Paige [N. Y.] 261) 930, 942, 990, 1039, 1105, 1107  
 — *v. Whitney* (53 Mich. 158; 18 N. W. 626) 2648  
**Hudson County v. Bayonne** (54 N. J. L. 293; 23 Atl. 648) 2598  
 — *v. Clarke* (65 N. J. L. 271; 47 Atl. 478) 265, 283, 321, 325

[References are to pages]

- Hudson County v. State* (24 N. J. L. 716) 127, 128, 864, 867, 871, 2610
- Hudson County Land Imp. Co. v. Seymour* (35 N. J. L. 47) 181, 1627
- Hudson Elect. L. Co. v. Hudson* (163 Mass. 346; 40 N. E. 109) 2189
- Hudson River Br. Co. v. Patterson* (74 N. Y. 365) 2419
- Hudson River Tel. Co. v. Water-vliet Turnpike & R. Co.* (135 N. Y. 393; 32 N. E. 148; 17 L. R. A. 674) 1927, 1984, 1987
- Hudson Tel. Co. v. Jersey City* (49 N. J. L. 303; 8 Atl. 123; 60 Am. Rep. 619) 1923, 1985, 2144, 2150
- Hudson Trust & Savings Inst. v. Carr-Curran Paper Mills Co.* (58 N. J. Eq. 59; 43 Atl. 418) 2224
- Hudson Water Co. v. McCarter* (209 U. S. 349, aff'g 70 N. J. Eq. 695; 65 Atl. 489; s. c. 70 N. J. Eq. 525; 61 Atl. 710; 14 L. R. A. n. s. 197) 2106
- Huebner v. Nims* (132 Mich. 657; 94 N. W. 180) 772, 775
- Huelefield v. Covington* ([Ky.], 22 Ky. Law Rep. 1188; 60 S. W. 296) 1800
- Huesing v. Rock Island* (128 Ill. 465; 21 N. E. 558; 15 Am. St. Rep. 129) 921, 922, 1048, 1049
- Huey v. Jones* (140 Ala. 479; 37 So. 193) 681, 2669
- *v. Waldrop* (141 Ala. 318; 37 So. 380) 2657
- Huff v. Knapp* (5 N. Y. 65; aff'g s. c. 3 Sandf. [N. Y.] 299) 2694
- *v. Lafayette* (108 Ind. 14; 8 N. E. 701) 619
- *v. Marshall* (97 Mo. App. 542; 71 S. W. 477) 3020
- *v. Poweshiek County* (60 Iowa, 529; 15 N. W. 418) 2993
- Huffman v. Bayham* (26 Ont. App. [Can.] 514) 2960
- *v. Greenwood Co.* (23 Kan. 281) 740
- *v. Hall* (102 Cal. 26; 36 Pac. 417) 1708, 1713
- *v. San Joaquin County* (21 Cal. 426) 1833, 2853, 2950, 3011
- Huffmire v. Brooklyn* (162 N. Y. 584; 57 N. E. 176; 48 L. R. A. 421) 624
- Hugg v. Camden* (29 N. J. Eq. 6) 1245
- *v. Camden* (39 N. J. L. 620) 2654, 2722
- *v. Ivins* (59 N. J. L. 139; 36 Atl. 685) 2678
- Huggans v. Riley* (125 N. Y. 88; 25 N. E. 993) 1809
- Huggins v. Sutherland* (39 Wash. 552; 82 Pac. 112) 1268, 1271
- Hughes v. Arkansas & O. R. Co.* (74 Ark. 194; 85 S. W. 773) 1798
- *v. Auburn* (161 N. Y. 96; 55 N. E. 389; 46 L. R. A. 636, rev'g 21 N. Y. App. Div. 311; 47 N. Y. Supp. 235) 2201, 3048, 3058, 3059
- *v. Bingham* (135 N. Y. 347; 32 N. E. 78; 17 L. R. A. 454) 1698
- *v. Cairo* (92 Ill. 339) 2354
- *v. Carl* (106 Ky. 533; 50 S. W. 852) 2427, 2429
- *v. Ewing* (93 Cal. 414; 28 Pac. 1067) 627
- *v. Fond du Lac* (73 Wis. 380; 41 N. W. 407) 2818
- *v. Kline* (30 Pa. St. 227) 2787
- *v. Metropolitan Elev. R. Co.* (130 N. Y. 14; 28 N. E. 765) 1775, 1897, 1993, 2025, 2038, 2039
- *v. Milligan* (42 Kan. 396; 22 Pac. 313) 1661
- *v. Momence* (163 Ill. 535; 45 N. E. 300) 2224, 2546, 2555
- *v. Momence* (164 Ill. 16; 45 N. E. 302) 2546, 2555
- *v. Monroe County* (147 N. Y. 49; 41 N. E. 407; 39 L. R. A. 33) 2856
- *v. New York* (84 N. Y. App. Div. 347; 82 N. Y. Supp. 905, aff'd 176 N. Y. 585; 68 N. E. 1118) 674
- *v. Parker* (20 N. H. 58) 653, 839
- *v. People* (8 Colo. 536; 9 Pac. 50) 967, 972
- *v. Portland* (53 Oreg. 370; 100 Pac. 843) 2629, 2640
- *v. Providence & W. R. Co.* (2 R. I. 493) 1783, 2082
- *v. School Dist. No. 29* (72 Mo. 643) 628
- Hughes County v. Livingston* (104 Fed. Rep. 306) 380, 389, 395, 459, 1238, 1258, 1453, 1461, 1503, 1505, 1506, 1507
- Hughson v. Crane* (115 Cal. 404; 47 Pac. 120) 1480, 1548
- Huguley Mfg. Co., In re* (184 U. S. 297) 2652
- Huidekoper v. Buchanan County* (3 Dillon C. C. 175) 1420
- *v. Dallas County* (3 Dillon C. C. R. 171) 1517
- Hulbert v. Chicago* (213 Ill. 452; 72 N. E. 1097) 1388, 2624
- *v. Chicago* (217 Ill. 286; 75 N. E. 486) 2624
- Huling v. Topeka* (44 Kan. 577; 24 Pac. 1110) 108, 615

## TABLE OF CASES CITED

193

[References are to pages]

- Hull v. Ames* (26 Wash. 272; 66 Pac. 391; 90 Am. St. Rep. 743) 357, 358, 1303  
 — *v. Ely* (2 Abb. N. C. 440) 2778  
 — *v. Kansas City* (54 Mo. 601; 14 Am. Rep. 487) 2990  
 — *v. Marshall County* (12 Iowa, 142) 530, 1286  
 — *v. Oneida County* (19 Johns. [N. Y.] 259) 2657, 2661  
 — *v. People* (170 Ill. 246; 48 N. E. 984) 2454, 2534, 2550  
 — *v. Richmond* (2 W. & M. 337) 2960  
 — *v. Roxboro* (142 N. Car. 453; 55 S. E. 351; 12 L. R. A. n. s. 638) 2840, 2842  
*Hullin v. Municipality* (11 Rob. [La.] 97; 43 Am. Dec. 202) 1651, 1654  
*Hullman v. Honcomp* (5 Ohio St. 237) 838, 2668  
*Humboldt v. Barnesville* (83 Minn. 219; 86 N. W. 87) 625  
 — *v. Long* (92 U. S. 642) 1350, 1352, 1420, 1425, 1430, 1461, 1469, 1471  
 — *v. McCoy* (23 Kan. 249) 133, 908  
*Hume v. Des Moines* ([Iowa], 125 N. W. 846) 3038, 3043, 3048  
 — *v. Laurel Hill Cemetery* (142 Fed. Rep. 552) 1033  
 — *v. New York* (47 N. Y. 639) 3013, 3016, 3018  
 — *v. New York* (74 N. Y. 264) 1886, 2986, 2987, 2988  
*Humes v. Knoxville* (1 Humph. [Tenn.] 403; 34 Am. Dec. 657) 1821, 2926  
*Hummer v. Hummer* (3 G. Greene [Iowa] 42) 649, 1135, 2731  
*Humphrey, In re* (10 Wend. [N. Y.] 612) 863  
 — *v. Front Prot. Church* (109 N. Car. 132; 13 S. E. 793) 1032  
 — *v. Pegues* (16 Wall. [U. S.] 244) 2449  
*Humphreys v. Armstrong County* (56 Pa. St. 204) 1832, 3001, 3018  
 — *v. Bayonne* (55 N. J. L. 241; 26 Atl. 81) 359, 1178, 1953, 2156  
 — *v. Bayonne* (60 N. J. L. 406; 38 Atl. 761) 2456  
 — *v. Mears* (1 Man. & Ryl. 187) 776  
 — *v. Morton* (100 Ill. 592) 1398  
 — *v. Norfolk* (25 Gratt. [Va.] 97) 2475  
*Hun, Matter of* (144 N. Y. 472; 39 N. E. 376) 2312  
*Hund v. Rackliffe* (192 Mo. 312; 91 S. W. 500) 2527  
*Hungerford v. Hartford* (39 Conn. 279) 2616  
*Hungerford v. Waverley* (125 N. Y. App. Div. 311; 109 N. Y. Supp. 438) 2817  
*Hungerman v. Wheeling* (46 W. Va. 761; 34 S. E. 778) 2969, 2990  
*Hunneman v. Fire Dist.* (37 Vt. 40) 559  
*Hunnewell v. Boston* (106 Mass. 350) 2791  
*Hunnewinkle v. Georgetown* (15 Wall. [U. S.] 547) 2765  
*Hunnicutt v. Atlanta* (104 Ga. 1; 30 S. E. 500) 1556, 1559, 1560  
*Hunnings v. Williamson* (11 Q. B. Div. 533) 1146  
*Hunt v. Ambruster* (17 N. J. Eq. 208) 568  
 — *v. Booneville* (65 Mo. 620; 27 Am. Rep. 299) 2403, 2873, 2874, 2877, 2926, 3005  
 — *v. Boston* (183 Mass. 303; 67 N. E. 244) 2876  
 — *v. Chicago* (98 Ill. 147) 1722  
 — *v. Chicago, H. & D. R. Co.* (121 Ill. 638; 13 N. E. 176) 1963, 1964  
 — *v. Fawcett* (8 Wash. 396; 36 Pac. 318) 432, 1400  
 — *v. Hopley* (120 Iowa, 695; 95 N. W. 205) 763  
 — *v. King* (97 Iowa, 88; 66 N. W. 71) 1265  
 — *v. Lambertville* (45 N. J. L. 279) 897  
 — *v. New York* (109 N. Y. 134; 16 N. E. 320) 2990, 2998  
 — *v. New York* (47 N. Y. App. Div. 295; 62 N. Y. Supp. 184) 1219  
 — *v. Norwich School Dist.* (14 Vt. 300) 830, 831, 832  
 — *v. Philadelphia* (35 Pa. St. 277) 1010  
 — *v. Pownal* (9 Vt. 418) 2970, 2971, 2990  
 — *v. Rahway* (39 N. J. L. 646; aff'd 40 N. J. L. 615) 2538  
 — *v. Rousmaniere* (1 Pet. [U. S.] 15; 8 Wheat. [U. S.] 174; s. c. below 2 Mason, 342; 3 Mason, 294) 2834  
 — *v. Salem* (121 Mass. 294) 2957  
 — *v. Tolles* (75 Vt. 48; 52 Atl. 1042) 1755  
 — *v. Utica* (18 N. Y. 442) 1249, 1646  
 — *v. Wimbledon Local Board* (4 C. P. Div. 48) 1156  
*Hunter, Matter of* (163 N. Y. 542; 57 N. E. 735; 79 Am. St. Rep. 616; rev'g 47 N. Y. App. Div. 102; 62 N. Y. Supp. 169) 1713, 1730  
 — (164 N. Y. 365; 58 N. E. 288) 1730



## TABLE OF CASES CITED

195

[References are to pages]

- Hutchings v. Sullivan* (90 Me. 131; 37 Atl. 883) 2975
- *v. Van Bokkelen* (34 Me. 126) 678
- Hutchins v. Durham* (118 N. Car. 457; 24 S. E. 723; 32 L. R. A. 706) 919
- *v. Littleton* (124 Mass. 289) 3021
- Hutchinson v. Beckham* (118 Fed. Rep. 399) 990, 991, 2753
- *v. Belmar* (61 N. J. L. 443; 39 Atl. 643) 846, 1957
- *v. Clarke* (26 R. I. 307; 58 Atl. 948) 3012
- *v. International & G. N. R. Co.* ([Tex. Civ. App.], 111 S. W. 1101) 2028, 2029
- *v. Leimbach* (68 Kan. 37; 74 Pac. 598; 63 L. R. A. 630; 104 Am. St. Rep. 384) 616, 2377
- *v. Omaha* (52 Neb. 345; 72 N. W. 218) 2596, 2606
- *v. Ozark Land Co.* (57 Ark. 554; 22 S. W. 173; 38 Am. St. Rep. 258) 2372
- *v. Parkersburg* (25 W. Va. 226) 1820, 2927, 2949
- *v. Pratt* (11 Vt. 402) 876, 878, 884, 1752, 1754
- *v. Skinner* (21 N. Y. Misc. 729; 49 N. Y. Supp. 360) 2778
- *v. Trenton Board of Health* (39 N. J. Eq. 569) 927
- Hutchinson & S. R. Co. v. Kingman County* (48 Kan. 70; 28 Pac. 1078; 30 Am. St. Rep. 273) 1491
- Hutchinson Water, Light & Gas. Co. v. Hutchinson* (207 U. S. 385) 2242
- Hutchison v. Mt. Vernon* (40 Ill. App. 19) 948
- *v. Summerville* (66 S. Car. 442; 45 S. E. 8) 2963, 2965
- Hutson v. New York* (9 N. Y. 163; s. c. 5 Sandf. [N. Y.] 289) 2987, 2992, 3012, 3015
- Hutton v. Camden* (39 N. J. L. 122; 23 Am. Rep. 203) 1031, 1047
- *v. West Orange* (39 N. J. L. 453) 2537
- *v. Windsor* (34 Up. Can. Q. B. 487) 2961, 2972, 2973, 3018
- Hyatt v. Myers* (71 N. Car. 271) 1052
- *v. Rondout* (44 Barb. [N. Y.] 385) 2975
- *v. Williams* (148 Cal. 585; 84 Pac. 41) 2120
- Hyde, In re* (15 Hun [N. Y.] 477) 2477
- *v. Boston* (186 Mass. 115; 71 N. E. 118) 2965
- *v. Ewert* (16 S. Dak. 133; 91 N. W. 474) 347, 380, 1492
- Hyde v. Franklin County* (27 Vt. 185) 1293, 1296
- *v. Jamaica* (27 Vt. 442) 1728, 2957, 3000
- Hyde Park v. Borden* (94 Ill. 26) 1845, 2401, 2614, 2790
- *v. Carton* (132 Ill. 100; 23 N. E. 590) 1223
- *v. Chicago* (124 Ill. 156; 16 N. E. 222) 2748, 2752
- *v. Dunham* (85 Ill. 569) 1651, 1684, 1837
- *v. Ingalls* (87 Ill. 11) 1495, 2791
- *v. Oakwoods Cem. Assoc.* (119 Ill. 141; 6 N. E. 451) 1644
- *v. Spencer* (118 Ill. 446; 8 N. E. 846) 1559, 2586
- *v. Washington Ice Co.* (117 Ill. 233; 7 N. E. 523) 1684
- Hydes v. Joyes* (4 Bush [Ky.] 464) 461, 2404
- Hyman v. Chicago* (188 Ill. 462; 59 N. E. 10) 2453, 2548
- Hymes v. Aydelott* (26 Ind. 431) 1670
- *v. Esty* (133 N. Y. 342; 31 N. E. 105) 1806
- Hynes v. Briggs* (41 Fed. Rep. 468) 2372
- Hysong v. Gallitzin School Dist.* (164 Pa. 629; 30 Atl. 482; 26 L. R. A. 203; 44 Am. St. Rep. 632) 1596
- Ibbeken v. New York* (94 N. Y. Supp. 568) 2998, 3018
- Ice, Light & W. W. Co. v. St. Charles* (106 La. 65; 30 So. 289) 423
- Idaho Springs v. Filteau* (10 Colo. 105; 14 Pac. 48) 2870, 2872
- *v. Woodward* (10 Colo. 104; 14 Pac. 49) 2870, 2872
- Idlett v. Atlanta* (123 Ga. 821; 51 S. E. 709) 2998, 2999, 3019
- Idlewild, The* (64 Fed. Rep. 603) 502
- Ihk v. Duluth* (58 Minn. 182; 59 N. W. 960) 1269, 2865
- Ijams v. Duvall* (85 Md. 252; 36 Atl. 819; 36 L. R. A. 127) 717
- Illinois v. Delafield* (8 Paige [N. Y.] 527; 26 Wend. [N. Y.] 192; 2 Hill [N. Y.] 159) 1400
- *v. Illinois Cent. R. Co.* (33 Fed. Rep. 730; s. c. 146 U. S. 387) 138, 514, 1688, 1700, 1704
- Illinois & Mich. Canal Trs. v. Chicago* (12 Ill. 403) 1645
- *v. Havens* (11 Ill. 554) 1694, 1723, 1796
- *v. People* (12 Ill. 248; 52 Am. Dec. 488) 2706



[References are to pages]

- Illinois & St. L. R. & C. Co. v. St. Louis* (2 Dillon C. C. R. 70) 464, 474, 475, 477, 507, 508, 510
- Illinois Central Hospital v. Jacksonville* (61 Ill. App. 199) 464
- Illinois Cent. R. Co. v. Ashline* (171 Ill. 313; 49 N. E. 521) 979, 980
- *v. Bloomington* (76 Ill. 447) 2544
- *v. Burke* (112 Ill. App. 415) 988
- *v. Chicago* (176 U. S. 646) 2149
- *v. Chicago* (138 Ill. 453; 28 N. E. 740) 1656
- *v. Chicago* (141 Ill. 586; 30 N. E. 1044; 17 L. R. A. 530) 1611, 1614, 1640, 1820
- *v. Davis* (71 Ill. App. 99) 2018
- *v. Decatur* (147 U. S. 190, aff'g 126 Ill. 92; 1 L. R. A. 613) 2312, 2314, 2492, 2517, 2550, 2572, 2586, 2587
- *v. Decatur* (154 Ill. 173; 38 N. E. 626) 2554
- *v. East Lake Drainage Com'rs* (129 Ill. 417; 21 N. E. 925) 2587
- *v. Elliott* (129 Ky. 121; 110 S. W. 817) 2013, 2014
- *v. Galena* (40 Ill. 344) 1847, 2068
- *v. Gilbert* (157 Ill. 354; 41 N. E. 724) 1093
- *v. Illinois* (146 U. S. 387; s. c. 184 U. S. 77; 91 Fed. Rep. 955) 482, 483, 486, 489, 490, 495, 496, 497, 502
- *v. Interstate Commerce Commission* (206 U. S. 441) 2286
- *v. Irwin* (72 Ill. 452) 2445
- *v. Kankakee* (164 Ill. 608; 45 N. E. 971) 2548
- *v. Kief* (111 Ill. App. 354) 989
- *v. Mattoon* (141 Ill. 32; 30 N. E. 773) 2587
- *v. People* (161 Ill. 244; 43 N. E. 1107) 2595
- *v. People* (170 Ill. 224; 48 N. E. 215) 2551, 2587, 2595
- *v. People* (189 Ill. 119; 59 N. E. 609) 2611
- *v. State* (71 Miss. 253; 14 So. 459) 1768
- *v. Turner* (194 Ill. 575; 62 N. E. 798) 2018
- *v. Wolf* (95 Ill. App. 74) 2018
- Illinois Hosp. for Insane v. Higgins* (15 Ill. 185) 610, 2677
- Illinois Ins. Co. v. Littlefield* (67 Ill. 368) 1700, 1707, 1709, 1714
- Illinois State Board v. People* (93 Ill. App. 436) 2658
- Illinois State Board of Health v. People* (102 Ill. App. 614) 2656
- Illinois Trust & Savings Bank v. Arkansas City Water Co.* (67 Fed. Rep. 196) 2144, 2159, 2294, 2299
- Illinois Trust & Savings Bank v. Arkansas City* (76 Fed. Rep. 271; 40 U. S. App. 257) 362, 896, 1191, 2115, 2134, 2152, 2153, 2157, 2159, 2167
- *v. Pontiac* (112 Ill. App. 545, aff'd 212 Ill. 326; 72 N. E. 411) 2177, 2296, 2298
- Isley v. Stubbs* (5 Mass. 283) 567
- Ilwaco v. Ilwaco R. & N. Co.* (17 Wash. 652; 50 Pac. 572) 1804
- Imes v. Chicago, B. & Q. R. Co.* (105 Ill. App. 37) 986
- Imlay v. Union B. R. Co.* (26 Conn. 249; 68 Am. Dec. 392) 2002, 2010
- Imler v. Springfield* (55 Mo. 119) 1820, 2926, 3036, 3041, 3047, 3054, 3056
- Imperial Land Co. of Marseilles, In re* (L. R. 11 Eq. 478) 1420
- Improvement Dist. No. 5 v. Offenhauser* (84 Ark. 257; 105 S. W. 265) 2374
- Ince v. Toronto* (27 Ont. App. [Can.] 410) 2967, 3020
- Inchbald v. Robinson* (L. R. 4 Ch. App. 388) 1037
- Independence v. Gates* (110 Mo. 374; 19 S. W. 728) 2491, 2561, 2630
- *v. Moore* (32 Mo. 392) 968, 1103
- Independent Dist. v. Society for Sav.* (98 Iowa, 581; 67 N. W. 370) 407, 438
- Independent School Dist. v. Rew* (111 Fed. Rep. 1; 55 L. R. A. 364) 379, 389, 390, 395
- Independent School Dist. No. 5 v. Collins* (15 Idaho, 535; 98 Pac. 857; 128 Am. St. Rep. 76) 2767, 2785
- Indiana v. Glover* (155 U. S. 513) 1393
- *v. Lake Erie & W. R. Co.* (85 Fed. Rep. 1) 2694
- Indiana, B. & W. R. Co. v. Eberle* (110 Ind. 542; 11 N. E. 467; 59 Am. Rep. 225) 2010
- Indiana Cent. R. Co. v. Hunter* (8 Ind. 74) 1682
- *v. Oakes* (20 Ind. 9) 1659, 1662
- Indiana County v. Agricultural Soc.* (85 Pa. 357) 320
- Indiana, D. & W. R. Co. v. People* (201 Ill. 351; 66 N. E. 293) 2453
- Indiana Imp. Co. v. Wagner* (134 Ind. 698; 34 N. E. 535) 108
- Indiana Nat. & Ill. Gas. Co. v. State* (158 Ind. 516; 63 N. E. 220) 2215
- Indiana Nat. Gas & Oil Co. v. State* (162 Ind. 690; 71 N. E. 133) 2205, 2212
- Indiana R. Co. v. Calvert* (168 Ind. 321; 80 N. E. 961; 10 L. R. A. N. s. 780) 1090, 1852



## TABLE OF CASES CITED

197

[References are to pages]

- Indiana Road Mach. Co. v. Sulphur Springs** ([Tex. Civ. App.], 63 S. W. 908) 1170  
**Indianapolis v. Bieler** (138 Ind. 30; 36 N. E. 857) 931, 986, 2476  
 — *v. Blythe* (2 Ind. 75) 971  
 — *v. Consumers' Gas Trust Co.* (144 Fed. Rep. 640, rev'g 140 Fed. Rep. 362) 1956, 2114, 2186, 2188  
 — *v. Consumers' Gas Trust Co.* (140 Ind. 107; 39 N. E. 433; 27 L. R. A. 514; 49 Am. St. Rep. 183) 2061, 2149, 2150, 2236  
 — *v. Cook* (99 Ind. 10) 2985  
 — *v. Croas* (7 Ind. 9) 1695, 1708, 1767, 1791, 1792, 1801, 1802, 1836  
 — *v. Doherty* (71 Ind. 5) 2964  
 — *v. Emmelman* (108 Ind. 530; 9 N. E. 155; 58 Am. Rep. 65) 2965  
 — *v. Geisel* (19 Ind. 344) 798  
 — *v. Heltzel* (157 Ind. 703; 61 N. E. 1136) 2534  
 — *v. Higgins* (141 Ind. 1; 40 N. E. 671) 1767, 1768, 1770  
 — *v. Holt* (155 Ind. 222; 57 N. E. 966, 988, 1100) 2363, 2367, 2369, 2534  
 — *v. Huegele* (115 Ind. 581; 18 N. E. 172) 966  
 — *v. Huffer* (30 Ind. 235) 3049  
 — *v. Imberry* (17 Ind. 175) 883, 885, 2452  
 — *v. Indianapolis Gasl. & C. Co.* (66 Ind. 396) 443, 444, 451, 461, 464, 562, 597, 902, 922, 1139, 1154, 1182, 1233, 1234, 1917, 1918, 1921, 2132, 2149  
 — *v. Indianapolis Home, &c.* (50 Ind. 213) 179, 197  
 — *v. Keeley* (167 Ind. 516; 79 N. E. 499) 1767  
 — *v. Kingsbury* (101 Ind. 200; 51 Am. Rep. 749) 1631, 1689, 1699, 1706, 1720, 1722, 1742  
 — *v. Lawyer* (38 Ind. 348) 2403, 3037  
 — *v. McAvoy* (86 Ind. 587) 613, 2826  
 — *v. McClure* (2 Ind. 147) 1727, 1833  
 — *v. McLean* (8 Ind. 328) 2443  
 — *v. Mansur* (15 Ind. 112) 2586  
 — *v. Marold* (25 Ind. App. 428; 58 N. E. 512) 3001, 3016, 3022  
 — *v. Mitchell* (27 Ind. App. 589; 61 N. E. 947) 2960  
 — *v. Murphy* (91 Ind. 382) 3015  
 — *v. Navin* (151 Ind. 139; 47 N. E. 525; 51 N. E. 80; 41 L. R. A. 337) 280, 281, 287, 310, 334, 2144  
 — *v. Patterson* (112 Ind. 344; 14 N. E. 551) 615, 1703  
**Indianapolis v. Scott** (72 Ind. 196) 3015  
 — *v. Skeen* (17 Ind. 628) 1173  
 — *v. State* (172 Ind. 472; 88 N. E. 687) 2638  
 — *v. Wann* (144 Ind. 175; 42 N. E. 901; 31 L. R. A. 743) 1178, 1192  
 — *v. Wright* (19 Ind. 346) 798  
**Indianapolis & B. R. Co. v. Indianapolis** (12 Ind. 620) 1586, 1709, 1755, 1759  
**Indianapolis & C. R. Co. v. Lawrenceburg** (34 Ind. 304) 1952  
 — *v. State* (37 Ind. 489) 1975, 2082, 2648, 2649, 2662, 2803, 3035  
**Indianapolis & St. L. R. Co. v. Calvert** (110 Ind. 555; 11 N. E. 476) 1943  
**Indianapolis & V. R. Co. v. Capitol Pav. & Const. Co.** (24 Ind. App. 114; 54 N. E. 1076) 2399, 2530, 2587  
**Indianapolis, B. & W. R. Co. v. Hartley** (67 Ill. 439; 16 Am. Rep. 624) 1771, 2010, 2011, 2016, 2017, 2946, 3036  
 — *v. Smith* (52 Ind. 428) 3035  
**Indianapolis Bd. of School Com'rs v. Centre Township** (143 Ind. 391; 42 N. E. 808) 197, 626, 629  
**Indianapolis Gas Co. v. Indianapolis** (82 Fed. Rep. 245) 2149, 2248, 2257, 2259, 2288  
**Indianapolis, P. & C. Ry. Co. v. Hood** (66 Ind. 580) 1562  
 — *v. Ross* (47 Ind. 25) 1891, 2574  
**Indianapolis Water Works Co. v. Burkhardt** (41 Ind. 364) 1622, 1645  
**Indiana v. Woram** (6 Hill [N. Y.] 33) 77  
**Indianola v. Gulf, W. T. & P. R. Co.** (56 Tex. 594) 1962  
 — *v. Jones* (29 Iowa, 282) 873, 1173  
**Indianola Light, I. & C. Co. v. Montgomery** (85 Miss. 304; 37 So. 958) 1736  
**Industrial School v. Whitehead** (13 N. J. Eq. 290) 445  
**Inge v. Mobile Board of Public Works** (135 Ala. 187; 33 So. 678; 93 Am. St. Rep. 20) 211, 1197, 1214, 1215, 1216, 1223, 2532, 2763, 2767, 2781  
**Ingersoll v. Nassau Elect. R. Co.** (157 N. Y. 453; 52 N. E. 545; 43 L. R. A. 236, aff'g 89 Hun [N. Y.] 213; 34 N. Y. Supp. 1044) 1944, 1968, 1985  
**Inglis v. Great Northern Railway Co.** (16 Eng. Law & Eq. 55) 876  
 — *v. Hughes* (61 Ind. 212) 66

[References are to pages]

- Inglis v. State* (61 Ind. 212) 764  
*Ingraham, In re* (64 N. Y. 310) 1816  
 — *v. Brown* (231 Ill. 256; 83 N. E. 156) 1688, 1699, 1705, 1724, 1741  
 — *v. Chicago, D. & M. R. Co.* (34 Iowa, 249) 484, 495, 2010  
*Ingram v. Jersey City* (63 N. J. Law, 542; 43 Atl. 445) 713, 806  
 — *v. St. Tammany Par. Police Jury* (20 La. An. 226) 1892, 1897  
*Inhabitants v. New Orleans* (14 La. An. 452) 460  
 — *v. Weir* (9 Ind. 224) 544  
*Inhabitants of Ipswich* (13 Pick. [Mass.] 431) 614  
*Inman v. Tripp* (11 R. I. 520; 23 Am. Rep. 520) 2925, 3038, 3041  
*Innes v. East India Co.* (17 C. B. 351) 752  
 — *v. Wylie* (1 Carr. & K. 257) 798, 808  
*Intendant v. Chandler* (6 Ala. 899) 452, 1655  
*International & G. N. R. Co. v. Cuneo* ([Tex. Civ. App.], 108 S. W. 714) 1706, 1724  
 — *v. Hall* (35 Tex. Civ. App. 545; 81 S. W. 82) 979, 988  
*International & L. Assur. Co. v. Haight* (35 N. J. L. 279) 2321  
*International Bank v. Franklin County* (65 Mo. 105) 1292  
*International Hide, &c. Co. v. N. Y. Dock Co.* (93 N. Y. App. Div. 562; 87 N. Y. Supp. 886) 480  
*International Text-Book Co. v. Weissinger* (160 Ind. 349; 65 N. E. 521; 65 L. R. A. 599; 98 Am. St. Rep. 334) 207  
*International Trading Stamp Co. v. Memphis* (101 Tenn. 181; 47 S. W. 136) 2753  
*International Water Co. v. El Paso* ([Tex. Civ. App.], 112 S. W. 816) 2238  
*Interstate Brick Co. v. Philadelphia* (3 Pa. Dist. Rep. 544) 1197  
*Interstate Commerce Com'n v. Alabama Midland R. Co.* (168 U. S. 144) 2260  
 — *v. Brimson* (154 U. S. 447) 688, 2260, 2330  
 — *v. Cincinnati, N. O. & T. P. R. Co.* (167 U. S. 479) 2231, 2260, 2261  
*Interstate Cons. St. R. Co. v. Massachusetts* (207 U. S. 79, aff'g 187 Mass. 436; 73 N. E. 530; 11 L. R. A. n. s. 973) 1958  
*Interstate Vit. Brick & Pav. Co. v. Philadelphia* (164 Pa. 477; 30 Atl. 383) 1224  
*Iola v. Birnbaum* (71 Kan. 600; 81 Pac. 198) 2849, 2850, 2851  
 — *v. Farmer* (72 Kan. 620; 84 Pac. 386) 2960  
*Iowa Brick Co. v. Des Moines* (111 Iowa, 272; 82 N. W. 922) 1275  
*Iowa City v. Foster* (10 Iowa, 189) 734  
 — *v. McInnery* (114 Iowa, 586; 87 N. W. 498) 973  
*Iowa Col. Trs. v. Davenport* (7 Iowa, 213) 1657  
*Iowa Pipe & Tile Co. v. Callanan* (125 Iowa, 358; 101 N. W. 141; 106 Am. St. Rep. 311) 1254, 2526, 2567, 2568  
*Iowa Railroad Land Co. v. Sac County* (39 Iowa, 124) 777, 2692  
 — *v. Soper* (39 Iowa, 112) 257, 261, 280, 297  
*Iowa Union Tel. Co. v. Board of Equalization* (67 Iowa, 250; 25 N. W. 155) 1927  
*Ipswich Mills v. Essex County* (108 Mass. 363) 1634, 2874  
*Ireland v. Metrop. Elev. R. Co.* (52 Super. Ct. 450) 2047  
 — *v. Rochester* (51 Barb. [N. Y.] 414) 2608  
*Irish v. Webster* (5 Me. 171) 762  
*Iron Mountain v. Uddenberg* (127 Mich. 189; 86 N. W. 434) 732  
*Iron Mountain R. Co. v. Bingham* (87 Tenn. 522; 11 S. W. 705; 4 L. R. A. 622) 2013  
 — *v. Memphis* (96 Fed. Rep. 113) 1985  
*Iron Railroad Co. v. Ironton* (19 Ohio St. 299) 477  
*Ironside v. Vinita* (6 Ind. Ter. 485; 98 S. W. 167) 1105, 1108  
*Ironton v. Kelley* (38 Ohio St. 50) 200, 3012, 3014, 3023  
*Ironwood v. Wickes* (93 N. Y. App. Div. 164; 87 N. Y. Supp. 554) 1549  
*Ironwood Waterworks Co. v. Ironwood* (99 Mich. 454; 58 N. W. 371) 375, 2115  
*Irvin v. Devors* (65 Mo. 625) 910  
 — *v. New Orleans, St. L. & C. R. Co.* (94 Ill. 105) 2418  
*Irvine v. Chattanooga* (101 Tenn. 291; 47 S. W. 419) 2895  
 — *v. Kearny County* (75 Fed. Rep. 765) 1309  
 — *v. Wood* (51 N. Y. 224; 10 Am. Rep. 603) 1882, 3028, 3029, 3030, 3031  
*Irving v. Media* (194 Pa. 648; 45 Atl. 482) 2845  
*Irwin v. Bradford* (22 Up. Can. C. P. 19) 2978  
 — *v. Dixon* (9 How [U. S.] 10) 1036, 1702, 1708, 1709, 1713, 1714

## TABLE OF CASES CITED

199

[References are to pages]

<b>Irwin v. Great So. Telephone Co.</b> (37 La. An. 63) 1037, 1782, 1922, 1931	<b>Jackson v. Cory</b> (8 Johns. [N. Y.] 385) 1556, 1579
— <b>v. Lowe</b> (89 Ind. 540) 1415	— <b>v. Crysler</b> (1 Johns. Cas. [N. Y.] 125) 1566
— <b>v. Mariposa</b> (22 Up. Can. C. P. 367) 565	— <b>v. Denver</b> (41 Colo. 362; 92 Pac. 690) 2625
— <b>v. Mobile</b> (57 Ala. 6) 2532, 2586	— <b>v. Ellendale</b> (4 N. Dak. 478; 61 N. W. 1030) 2214
— <b>v. Ontario</b> (3 Fed. Rep. 49) 1422	— <b>v. Farnham Water Co.</b> (3 Law Times Rep. 632) 2209
<b>Isaacson, In re</b> (36 La. An. 56) 778	— <b>v. Greenville</b> (72 Miss. 220; 16 So. 382; 48 Am. St. Rep. 553) 3002
<b>Iseminger v. York Haven Water &amp; Power Co.</b> (206 Pa. 591; 56 Atl. 66) 2970	— <b>v. Hartwell</b> (8 Johns. [N. Y.] 422) 1556, 1569, 1579
<b>Isenberg v. Selvage</b> (103 Ky. 260; 44 S. W. 974) 1190	— <b>v. Hathaway</b> (15 Johns. [N. Y.] 447; 8 Am. Dec. 263) 1699, 1818, 1825
<b>Isenhour v. Barton County</b> (190 Mo. 163; 88 S. W. 759) 1299, 1319	— <b>v. Hyde</b> (28 Up. Can. Q. B. 294) 2969
<b>Isham v. Broderick</b> (89 Minn. 397; 95 N. W. 224) 3014	— <b>v. Kansas City F. S. &amp; M. R. Co.</b> (157 Mo. 621; 58 S. W. 32; 80 Am. St. Rep. 650) 441, 1090
<b>Iske v. Newton</b> (54 Iowa, 586; 7 N. W. 13) 2796	— <b>v. Leroy</b> (5 Cow. [N. Y.] 397) 1556
<b>Isom v. Low Fare R. Co.</b> (29 Ohio Cir. Ct. 583) 1963, 1968	— <b>v. Morris</b> (1 Denio [N. Y.] 199) 567
— <b>v. Mississippi Cent. R. Co.</b> (36 Miss. 300) 1642, 1682	— <b>v. Newark</b> (53 N. J. Eq. 322; 31 Atl. 233) 2796
<b>Ison v. Griffin</b> (98 Ga. 623; 25 S. E. 611) 2838, 2845	— <b>v. Newman</b> (59 Miss. 385; 42 Am. Rep. 367) 996, 2400
— <b>v. Manley</b> (76 Ga. 804) 1038	— <b>v. Owingsville</b> ([Ky.], 121 S. W. 672; 25 L. R. A. N. s. 180) 2886
<b>Israel v. Jacksonville</b> (2 Ill. 290) 975	— <b>v. People</b> (9 Mich. 111; 77 Am. Dec. 491) 1040, 1135, 1136, 1847, 2792, 2793, 2797
— <b>v. Jewett</b> (29 Iowa, 475) 1682	— <b>v. Phillips</b> (14 Allen [Mass.] 59) 1557
— <b>v. Manhattan R. Co.</b> (158 N. Y. 624; 53 N. E. 517) 2043, 2044	— <b>v. Pike</b> (9 Cow. [N. Y.] 61) 1568
<b>Itasca v. Schroeder</b> (182 Ill. 192; 55 N. E. 50) 1893, 1896	— <b>v. Pratt</b> (10 Johns. [N. Y.] 381) 631
<b>Ithaca v. Babcock</b> (72 N. Y. App. Div. 260; 76 N. Y. Supp. 49) 2528, 2593, 2618	— <b>v. Smith</b> (120 Ind. 520; 22 N. E. 431) 2604
<b>Ivanhoe v. Enterprise</b> (29 Oreg. 245; 45 Pac. 771) 2594, 2595	— <b>v. State</b> (101 Tenn. 138; 46 S. W. 450) 2461
<b>Ives v. Hulet</b> (12 Vt. 314) 777	— <b>v. Vicksburg S. &amp; T. R. R. Co.</b> (2 Woods, 141) 1546
<b>Ivins v. Trenton</b> (68 N. J. L. 501; 53 Atl. 202; aff'd 69 N. J. L. 451; 55 Atl. 1132) 1772, 1886	— <b>v. Whiting</b> (84 Miss. 163; 36 So. 611) 618, 619
<b>Ivory v. Deer Park</b> (116 N. Y. 476; 22 N. E. 1080) 770, 2976	— <b>v. Williams</b> (92 Miss. 301; 46 So. 551) 2008
<b>Jack v. Grangeville</b> (9 Idaho, 291; 74 Pac. 969) 2114, 2130, 2153, 2225	— <b>v. York &amp; C. Railroad Co.</b> (48 Me. 147) 1325
— <b>v. Moore</b> (66 Ala. 184) 1314	<b>Jackson County v. Applewhite</b> (62 Ind. 464) 1233, 2824
— <b>v. Wichita Nat. Bank</b> (17 Okla. 430; 89 Pac. 219) 1296, 1300	— <b>v. Brush</b> (77 Ill. 59) 461, 585, 1353, 2768
<b>Jacks v. Helena</b> (41 Ark. 313) 1511	— <b>v. Rendleman</b> (100 Ill. 379) 1319
— <b>v. Phillips County</b> (25 Ark. 64) 1250	— <b>v. State</b> (147 Ind. 476; 46 N. E. 909) 441
<b>Jackson, Ex parte</b> (143 Cal. 564; 77 Pac. 457) 280, 319, 2469	— <b>v. State</b> (155 Ind. 604; 58 N. E. 1037) 326, 332
— <b>v. Bellevieu</b> (30 Wis. 250) 2970	
— <b>v. Birmingham Foundry &amp; Machine Co.</b> (154 Ala. 464; 45 So. 660) 1721, 1737	
— <b>v. Bowman</b> (39 Miss. 671) 464, 1154	

[References are to pages]

- Jackson County Horse R. Co. *v.*  
 Interstate Rapids Transit Co.  
 (24 Fed. Rep. 306) 2084, 2085  
 Jackson Lumber Co. *v.* McCrim-  
 mon (164 Fed. Rep. 759) 2441  
 Jacksonport *v.* Watson (33 Ark.  
 704) 571, 581, 2769  
 Jacksonville *v.* Aetna Fire Engine  
 Co. (20 Fla. 100) 560  
 — *v.* Basnett (20 Fla. 525) 2442  
 — *v.* Doan (145 Ill. 23; 33 N.  
 E. 878) 3042  
 — *v.* Drew (19 Fla. 106; 45 Am.  
 Rep. 5) 1831, 1832, 3024  
 — *v.* Holland (19 Ill. 271) 978  
 — *v.* Jacksonville R. Co. (67  
 Ill. 540) 1689, 1753, 1754, 1758, 1760  
 — *v.* Lambert (62 Ill. 519) 3046  
 — *v.* Ledwith (26 Fla. 163; 7  
 So. 885; 23 Am. St. Rep. 558) 905,  
 910, 986, 1003, 1073, 1074, 1075,  
 2462  
 — *v.* L'Engle (20 Fla. 344) 621  
 — *v.* Loar (65 Ill. App. 218) 2929  
 — *v.* McConnel (12 Ill. 138) 451,  
 2424, 2444  
 — *v.* Southern Bell Tel. & Tel.  
 Co. (57 Fla. 374; 49 So. 509) 2230  
 Jacksonville Elect. L. Co. *v.* Jack-  
 sonville (36 Fla. 229; 18 So. 677;  
 30 L. R. A. 540; 51 Am. St.  
 Rep. 24) 449, 453, 2118, 2120  
 Jacksonville Nat. Bank *v.* Duval  
 County (45 Fla. 496; 34 So.  
 894) 1318  
 Jacksonville, N. & S. R. Co. *v.*  
 Virden (104 Ill. 339) 1529  
 Jacksonville R. Co. *v.* Jackson-  
 ville (114 Ill. 562; 2 N. E. 478) 345,  
 368, 437, 2551  
 Jacob *v.* Louisville (9 Dana [Ky.]  
 114; 33 Am. Dec. 533) 1682  
 — *v.* Woolfolk (90 Ky. 426; 14  
 S. W. 415; 9 L. R. A. 551) 1699  
 Jacobs, Matter of (98 N. Y. 98;  
 50 Am. Rep. 636) 204, 554, 1006  
 — *v.* Bangor (16 Me. 187; 33  
 Am. Dec. 652) 3018  
 — *v.* Clearview Water Supply  
 Co. (220 Pa. 388; 69 Atl. 870;  
 21 L. R. A. n. s. 410) 2125  
 — *v.* Cohen (99 N. Y. App. Div.  
 481; 90 N. Y. Supp. 854) 206, 1216  
 — *v.* Hamilton County (4 Fisher  
 Pat. Cas. 81) 65, 2866  
 — *v.* St. Joseph (127 Mo. App.  
 669; 106 S. W. 1072) 2818, 2821  
 — *v.* San Francisco (100 Cal.  
 121; 34 Pac. 630) 835, 910, 2661  
 Jacoby *v.* Dallis (115 Ga. 272; 41  
 S. E. 611) 344  
 Jacques *v.* Louisville ([Ky.], 106 S.  
 W. 308) 1143, 1148  
 Jaeger *v.* Burr (36 Ohio St. 164) 2496  
 Jaffray *v.* Anderson (66 Iowa, 718;  
 24 N. W. 527) 2485  
 Jager, *In re* (29 S. Car. 438; 7  
 S. E. 605) 2469  
 — *v.* Doherty (61 Ind. 528) 2770  
 Jahn, *In re* (55 Kan. 694; 41 Pac.  
 956) 1013, 1133  
 Jaicks *v.* Merrill (201 Mo. 91; 98  
 S. W. 753) 2626  
 James, *In re* (144 N. Y. 6; 38 N.  
 E. 961) 2412  
 — *v.* Darlington (71 Wis. 173;  
 36 N. W. 834) 1837, 1838  
 — *v.* Louisville ([Ky.], 19 Ky.  
 Law Rep. 447; 40 S. W. 912) 1716,  
 2526  
 — *v.* Milwaukee (16 Wall. [U.  
 S.] 159) 583, 1441  
 — *v.* Pine Bluff (49 Ark. 199;  
 4 S. W. 760) 1813, 2563, 2595  
 — *v.* Portage City (48 Wis. 677;  
 5 N. W. 31) 2975  
 — *v.* Putney (Cro. Car. 498) 983  
 — *v.* St. Paul (58 Minn. 459;  
 60 N. W. 21) 1649  
 — *v.* San Francisco (6 Cal. 528;  
 65 Am. Dec. 526) 3018, 3022  
 — *v.* Seattle (22 Wash. 654; 62  
 Pac. 84; 79 Am. St. Rep. 957) 740,  
 1315, 1316  
 James' Admr. *v.* Harrodsburg (85  
 Ky. 191; 3 S. W. 135) 2842  
 Jameson *v.* People (16 Ill. 257; 63  
 Am. Dec. 304) 124, 126, 442, 443  
 James River Co. *v.* Anderson (12  
 Leigh [Va.] 276) 1771, 1991  
 Jamestown *v.* Chicago, B. & N. R.  
 Co. (69 Wis. 648; 34 N. W.  
 728) 1944  
 — *v.* Home Tel. Co. (125 N. Y.  
 App. Div. 1; 109 N. Y. Supp.  
 297) 1957  
 Jamieson *v.* Indiana Nat. Gas &  
 O. Co. (128 Ind. 555; 28 N. E.  
 76; 12 L. R. A. 652) 2331  
 — *v.* Kings County Elev. R.  
 Co. (147 N. Y. 322; 41 N. E.  
 693) 2044  
 Jamison *v.* Fopiana (43 Mo. 565;  
 97 Am. Dec. 414) 1597  
 — *v.* Springfield (53 Mo. 224) 1659,  
 1682  
 Janesville *v.* Carpenter (77 Wis.  
 288; 46 N. W. 128; 8 L. R. A.  
 808; 20 Am. St. Rep. 123) 489  
 — *v.* Markoe (18 Wis. 350) 447  
 Janeway *v.* Duluth (65 Minn. 292;  
 68 N. W. 24) 1383, 1386  
 Janey's Executor *v.* Latane (4  
 Leigh [Va.] 327) 1577  
 Jansen *v.* Atchison (16 Kan. 358) 2969,  
 2986, 2992, 2994, 3024, 3034

## TABLE OF CASES CITED

201

[References are to pages]

<i>Jansen v. Ostrander</i> (1 Cow. [N. Y.] 670)	762	<i>Jefferson County v. Arrighi</i> (54 Miss. 668)	1191, 1285
<i>Janvrin, Petitioner</i> (174 Mass. 514; 55 N. E. 381; 47 L. R. A. 319)	2265	— <i>v. Cowan</i> (54 Mo. 234)	2596
— <i>v. Exeter</i> (48 N. H. 83; 2 Am. Rep. 185)	551, 552	— <i>v. Grafton</i> (74 Miss. 435; 21 So. 247; 36 L. R. A. 798; 60 Am. St. Rep. 516)	1580, 1582
<i>Jarboe v. Carrollton</i> (73 Mo. App. 347)	2927	— <i>v. Lineberger</i> (3 Mont. 231; 35 Am. Rep. 462)	764
<i>Jarman v. Patterson</i> (7 Mon. [Ky.] 644)	959	— <i>v. People</i> (5 Neb. 136)	217, 1359, 1493
<i>Jarrell v. Wilmington</i> (4 Pen. [Del.] 454; 56 Atl. 379)	2987	— <i>v. Slagle</i> (66 Pa. St. 202)	849
<i>Jarrold v. Moberly</i> (103 U. S. 580; 5 Dill. C. C. 253)	1512, 1516, 1517	<i>Jeffersonian Pub. Co. v. Hilliard</i> (105 Ala. 576; 17 So. 112)	1314, 1315
<i>Jarstadt v. Morgan</i> (48 Wis. 245; 4 N. W. 27)	1716	<i>Jefferson Parish Police Jury v. McCormack</i> (32 La. An. 624)	1758
<i>Jarvis v. Barnard</i> (30 Vt. 492)	2902	— <i>v. United States</i> (23 U. S. 10)	729
— <i>v. Dean</i> (3 Bing. 447)	1695	<i>Jeffersonville v. Ferryboat</i> (35 Ind. 19)	1186
— <i>v. New York</i> (2 N. Y. Leg. Obs. 396)	812	— <i>v. Gray</i> (165 Ind. 26; 74 N. E. 611)	515
— <i>v. Shelby</i> (62 Ind. 257)	1250	— <i>v. Louisville &amp; J. Ferry Co.</i> (27 Ind. 100; s. c. 35 Ind. 19)	475, 504, 515, 516
<i>Jasper County v. Allman</i> (142 Ind. 573; 42 N. E. 206)	2856	— <i>v. Myers</i> (2 Ind. App. 532; 28 N. E. 999)	2925, 3039
— <i>v. Ballou</i> (103 U. S. 745)	379, 1499, 1507, 1524, 1526, 1536	— <i>v. Patterson</i> (32 Ind. 140)	669, 2480, 2765
<i>Jay's Case</i> (1 Vent. 302)	781, 816	— <i>v. Weems</i> (5 Ind. 547)	615, 619
<i>Jayne v. Cortland Water Works Co.</i> (107 N. Y. App. Div. 517; 95 N. Y. Supp. 227)	1910	<i>Jeffersonville, M. &amp; I. R. Co. v. Barbour</i> (89 Ind. 375)	1562
— <i>v. Drorbaugh</i> (63 Iowa, 711; 17 N. W. 433)	744	— <i>v. Esterle</i> (13 Bush [Ky.] 667)	1993
<i>Jaynes v. Omaha St. R. Co.</i> (53 Neb. 631; 74 N. W. 67; 39 L. R. A. 751)	1687, 1689, 2009, 2013	<i>Jefferys v. Gurr</i> (2 B. & Adol. 841)	120
<i>Jeans v. Morrison</i> (99 Mo. App. 208; 73 S. W. 235)	960, 964	<i>Jeffrey v. Detroit, L. &amp; N. R. Co.</i> (108 Mich. 221; 65 N. W. 755; 31 L. R. A. 170)	2080
<i>Jebb v. Sexton</i> (84 Ill. App. 45)	2454, 2604	<i>Jeffries v. Ankeny</i> (11 Ohio, 374)	774
<i>Jeffers v. Annapolis</i> (107 Md. 268; 68 Atl. 361)	2006, 2032	— <i>v. Lawrence</i> (42 Iowa, 498)	1512, 2398, 2401
<i>Jefferson, In re</i> (35 Minn. 215; 28 N. W. 256)	2415, 2416	<i>Jeffris v. Cash</i> (207 Ill. 405; 69 N. E. 904)	2452
— <i>v. Atlantic City</i> (64 N. J. L. 59; 45 Atl. 775)	2652	<i>Jellenik v. Huron Copper Mining Co.</i> (177 U. S. 1)	2412
— <i>v. Jennings Banking &amp; Trust Co.</i> (35 Tex. Civ. App. 74; 79 S. W. 876)	1357, 1364, 1475, 1512	<i>Jelliff v. Newark</i> (48 N. J. L. 101; 2 Atl. 627, aff'd 49 N. J. L. 239; 12 Atl. 770)	2580, 2581
— <i>v. McCarty</i> (74 Mo. 55)	2483	<i>Jenkins v. Andover</i> (103 Mass. 94)	579, 1364, 2314, 2754
— <i>v. Marshall National Bank</i> (17 Tex. Civ. App. 539; 46 S. W. 97)	1380	— <i>v. Ballantyne</i> (8 Utah, 245; 30 Pac. 760; 16 L. R. A. 689)	1100, 1103
— <i>v. New York Elev. R. Co.</i> (132 N. Y. 483; 30 N. E. 981)	2044	— <i>v. Cheyenne</i> (1 Wy. Ter. 287)	976
— <i>v. Whipple</i> (71 Mo. 521)	1902, 2480, 2486	— <i>v. Hooker</i> (19 Barb. [N. Y.] 435)	1152
<i>Jefferson Branch Bank v. Skelly</i> (1 Black [U. S.] 436)	2445	— <i>v. Stetler</i> (118 Ind. 275; 20 N. E. 788)	2603
<i>Jefferson City v. Courtmire</i> (9 Mo. 683)	968, 1099	— <i>v. Thomasville</i> (35 Ga. 145)	1126
— <i>v. Curry</i> (71 Mo. 85)	1560	— <i>v. Waldron</i> (11 Johns. [N. Y.] 114; 6 Am. Dec. 359)	774
— <i>v. Opel</i> (49 Mo. 190)	2444	<i>Jenks v. Chicago</i> (56 Ill. 397)	2404
		— <i>v. Lima Tp.</i> (17 Ind. 326)	2828, 2830



[References are to pages]

- Jenks *v.* Miller (14 N. Y. App. Div. 474; 43 N. Y. Supp. 927) 488  
 — *v.* Osceola Township (45 Iowa, 554) 471  
 — *v.* Wilbraham (11 Gray [Mass.] 142) 2971  
 Jenne *v.* Sutton (43 N. J. L. 257; 39 Am. Rep. 578) 1865, 2981  
 Jenney *v.* Brooklyn (120 N. Y. 164; 24 N. E. 274) 2845, 2912, 2913  
 — *v.* Des Moines (103 Iowa, 347; 72 N. W. 550) 1212  
 Jennings, *In re* (6 Cow. [N. Y.] 518; 16 Am. Dec. 447) 2710, 2722  
 — *v.* Fisher (103 Ind. 112; 2 N. E. 285) 904  
 — *v.* Kansas City (105 Mo. App. 677; 78 S. W. 1041) 3002  
 — *v.* LeBreton (80 Cal. 8; 21 Pac. 1127) 2629  
 — *v.* Leroy (63 Cal. 397) 2928  
 — *v.* Tisbury (5 Gray [Mass.] 73) 1729  
 — *v.* Van Schaick (108 N. Y. 530; 15 N. E. 424; 2 Am. Rep. 459) 1874, 1875, 3031  
 Jennings's Case (12 Mod. 402) 723, 724  
 Jennings Co. *v.* Verbarg (63 Ind. 107) 1233  
 Jennison *v.* Kirk (98 U. S. 461) 2918  
 Jensen, Matter of (44 N. Y. App. Div. 509; 60 N. Y. Supp. 933, aff'g 28 N. Y. Misc. 378; 57 N. Y. Supp. 653) 226, 229, 564, 1247  
 — *v.* Polk County (47 Wis. 298; 2 N. W. 320) 218  
 Jentsch, *Ex parte* (112 Cal. 468; 44 Pac. 803; 32 L. R. A. 664) 274, 1096  
 Jernigan *v.* Finley (90 Tex. 205; 38 S. W. 24) 2660  
 Jerome *v.* Rio Grande County (18 Fed. Rep. 873) 1292  
 Jersey City *v.* Central R. Co. (40 N. J. Eq. 417; 2 Atl. 262) 1786, 1793  
 — *v.* Dummer (20 N. J. L. 106) 1701  
 — *v.* Erwin (59 N. J. L. 282; 35 Atl. 948) 844  
 — *v.* Fitzpatrick (30 N. J. Eq. 97) 1795  
 — *v.* Flynn (74 N. J. Eq. 104; 70 Atl. 497) 2191, 2201  
 — *v.* Harrison (72 N. J. L. 185; 62 Atl. 765; 65 Atl. 507, aff'g 71 N. J. L. 69; 58 Atl. 100) 1171, 1172, 2123  
 — *v.* Horton (38 N. J. L. 88) 468, 472, 742  
 — *v.* Howeth (30 N. J. L. 521, rev'g 30 N. J. L. 93) 2510, 2538  
 — *v.* Jersey City & B. R. Co. (20 N. J. Eq. 360) 1978  
 Jersey City *v.* Jersey City Water Supply Co. (70 N. J. Eq. 514; 61 Atl. 714) 2191  
 — *v.* Kearny (72 N. J. L. 109; 59 Atl. 1056) 2132, 2166  
 — *v.* Lembeck (31 N. J. Eq. 255) 990, 2748  
 — *v.* Montclair R. Co. (35 N. J. L. 328) 1618  
 — *v.* Morris Canal & B. Co. (12 N. J. Eq. 547) 1701, 1702, 1723, 1736, 1743, 1890, 1892, 1897  
 — *v.* New Jersey Midland R. Co. (42 N. J. L. 97) 2590  
 — *v.* North Jersey St. R. Co. (74 N. J. L. 774; 67 Atl. 113, aff'g 73 N. J. L. 175; 63 Atl. 906) 1949  
 — *v.* North Jersey St. R. Co. ([N. J. L.], 73 Atl. 609) 2438  
 — *v.* O'Callaghan (4 N. J. L. 349) 2833  
 — *v.* Quaife (26 N. J. L. 63) 733  
 — *v.* Railroad Co. (20 N. J. Eq. 360) 143, 446  
 — *v.* Riker (38 N. J. L. 225; 20 Am. Rep. 386) 2828, 2833  
 — *v.* Sackett (44 N. J. L. 428) 1660  
 — *v.* State (30 N. J. L. 521) 871, 1835, 1890, 1897, 2796  
 — *v.* Vreeland (43 N. J. L. 638, aff'g 43 N. J. L. 135) 2224  
 Jersey City & B. R. Co. *v.* Jersey City & H. H. R. Co. (20 N. J. Eq. 61) 1157, 1953, 1979, 1980, 2002, 2003, 2083, 2085  
 Jersey City & H. H. R. Co. *v.* Hudson (13 N. J. Eq. 420) 1043, 1910  
 — *v.* Jersey City & B. R. Co. (21 N. J. Eq. 550) 1956  
 Jersey City Board of Finance *v.* Jersey City (57 N. J. L. 452; 31 Atl. 625) 1219  
 Jersey City Gas Co. *v.* Dwight (29 N. J. Eq. 242) 1907, 1915, 1992, 2137  
 Jersey City, H. & P. R. Co. *v.* Garfield (68 N. J. L. 587; 53 Atl. 11) 624  
 Jersey City Supply Co. *v.* Jersey City (71 N. J. L. 631; 60 Atl. 381) 1185, 1192  
 Jersey City Water Com'rs, *Re* (31 N. J. L. 72) 1651  
 — *v.* Brown (32 N. J. L. 504) 1221  
 Jessen *v.* Sweigert (66 Cal. 182; 4 Pac. 1188) 3031  
 Jeter *v.* Hewett (22 How. [U. S.] 352) 2685  
 Jett *v.* Richmond (73 Ind. 316) 966  
 Jetton *v.* University of the South (208 U. S. 489, rev'g 155 Fed. Rep. 182) 2446



[References are to pages]

- Jewel v. Weed** (18 Minn. 272) 1157  
**Jewell v. Gilbert** (64 N. H. 13; 5 Atl. 80; 10 Am. St. Rep. 357) 678  
 — *v. Hart* (31 N. J. L. 434) 2321  
 — *v. Ithaca* (72 N. Y. App. Div. 220; 76 N. Y. Supp. 126) 2813  
 — *v. Mt. Vernon* (91 N. Y. App. Div. 578; 87 N. Y. Supp. 120) 3025  
 — *v. Superior* (135 Fed. Rep. 19) 1391, 1392  
**Jewell Belting Co. v. Bertha** (91 Minn. 9; 97 N. W. 424) 1155  
**Jewell City v. Van Meter** (70 Kan. 887; 79 Pac. 149) 3000  
**Jewett v. Keene** (62 N. H. 701) 2817  
 — *v. New Haven* (38 Conn. 368; 9 Am. Rep. 382) 2301, 2303, 2893  
 — *v. Sweet* (178 Ill. 96; 52 N. E. 962) 3044  
**Jewhurst v. Syracuse** (108 N. Y. 303; 15 N. E. 409) 2973  
**Jex v. New York** (103 N. Y. 536; 9 N. E. 39) 2596, 2748  
 — *v. New York* (111 N. Y. 339; 19 N. E. 52) 2830  
**Jhons v. People** (25 Mich. 499) 1370  
**Job v. Alton** (189 Ill. 256; 59 N. E. 622; 82 Am. St. Rep. 448) 2517, 2545, 2549, 2552, 2553  
**Jobe v. Caldwell** ([Ark.], 125 S. W. 423) 2660  
**Joel v. Woman's Hospital** (89 Hun [N. Y.] 73; 35 N. Y. Supp. 37) 2897  
**John v. Cincinnati &c. R. Co.** (35 Ind. 539) 575  
 — *v. Connell* (64 Neb. 233; 89 N. W. 806; s. c. 71 Neb. 10; 98 N. W. 457; s. c. 61 Neb. 267; 85 N. W. 82) 2537, 2610  
**John & Cherry Streets, In re** (19 Wend. [N. Y.] 659) 1620, 1624, 1719, 1760  
**Johnes v. State Auditor** (4 Ohio St. 493) 2715  
**Johns v. Nicholls** (2 Dall. 184) 783  
**Johnson, Re** (73 Cal. 228; 15 Pac. 43) 971, 1041, 1131  
**Johnson v. Albany** (86 N. Y. App. Div. 567; 83 N. Y. Supp. 1002) 1227, 1229, 1230, 1237  
 — *v. Alameda County* (14 Cal. 106) 1660  
 — *v. Alkins* (44 Fla. 185; 32 So. 879) 2831, 2834  
 — *v. Allen* (62 Ind. 57) 2603, 2605  
 — *v. Americus* (46 Ga. 80) 676, 677, 1124  
 — *v. Andengard* (100 Minn. 130; 110 N. W. 369) 1790  
 — *v. Asbury Park* (58 N. J. L. 604; 33 Atl. 850, aff'd 60 N. J. L. 427; 39 Atl. 693) 269, 2462, 2470  
**Johnson v. Atlantic City Gas & Water Co.** (65 N. J. Eq. 129; 56 Atl. 550) 2209  
 — *v. Barclay* (16 N. J. L. 1) 1125  
 — *v. Belden* (47 N. Y. 130, 131, aff'g 2 Lans. [N. Y.] 433) 767, 768  
 — *v. Bellmar* (58 N. J. Eq. 354; 44 Atl. 166) 2215  
 — *v. Bessemer* (143 Mich. 313; 106 N. W. 852) 1018  
 — *v. Black* (103 Va. 477; 49 S. E. 633; 68 L. R. A. 264) 1888, 2768  
 — *v. Boston* (118 Mass. 44) 2977  
 — *v. Burlington* (95 Iowa, 197; 63 N. W. 694) 1732, 1903  
 — *v. Cedar School Corporation* (117 Iowa, 319; 90 N. W. 713) 1309  
 — *v. Crook County* (53 Oreg. 329; 100 Pac. 294) 2322  
 — *v. Dadeville* (127 Ala. 244; 28 So. 700) 1702  
 — *v. Daw* (53 Mo. App. 372) 957, 958  
 — *v. Duer* (115 Mo. 366; 21 S. W. 800) 2527, 2617  
 — *v. Farley* (11 Ohio Dec. 639; 8 Ohio N. P. 498) 2772  
 — *v. Finley* (54 Neb. 733; 74 N. W. 1080) 945, 989  
 — *v. Fulton* (121 Ky. 594; 89 S. W. 672) 284, 310  
 — *v. Gould* (60 W. Va. 84; 53 S. E. 798) 2308  
 — *v. Grand Forks County* (16 N. Dak. 363; 113 N. W. 1071; 125 Am. St. Rep. 662) 2667  
 — *v. Gunn* (148 Cal. 745; 84 Pac. 665) 261, 288, 327  
 — *v. Haverhill* (35 N. H. 74) 2961, 2962, 2963, 2998  
 — *v. Hoover* (58 N. J. L. 334; 33 Atl. 217) 296, 297  
 — *v. Hudson River R. Co.* (6 Duer [N. Y.] 634) 3006  
 — *v. Hunter* (127 Fed. Rep. 219) 2367  
 — *v. Hutchinson* (81 Mo. App. 299) 441  
 — *v. Indianapolis* (16 Ind. 227) 608, 1249, 1250  
 — *v. Irasburgh* (47 Vt. 28; 19 Am. Rep. 111) 3004  
 — *v. Jaqui* (27 N. J. Eq. 552) 1910  
 — *v. Joliet & C. R. Co.* (23 Ill. 202) 334, 1649  
 — *v. Lambpton* (40 Up. Can. Q. B. 297) 644  
 — *v. Lexington* (14 B. Mon. [Ky.] 648) 2424  
 — *v. Llano County* (15 Tex. Civ. App. 421; 39 S. W. 995) 1888  
 — *v. Loper* (46 N. J. L. 321) 2470  
 — *v. Mann* (77 Va. 265) 680, 720

[References are to pages]

- Johnson v. Milwaukee (40 Wis. 315) 2497  
 — v. Milwaukee (46 Wis. 568; 1 N. W. 187) 2975, 3018, 3020  
 — v. Milwaukee (88 Wis. 383; 60 N. W. 270) 257, 271, 274, 277, 287, 296, 298, 320  
 — v. Mocabee (1 Okl. 204; 32 Pac. 336) 334  
 — v. Municipality (5 La. An. 100) 2877, 2885  
 — v. New Orleans (46 La. An. 714; 15 So. 100) 1306, 1321  
 — v. New Orleans (105 La. 149; 29 So. 355) 2763, 2771, 2773, 2776  
 — v. New York & P. T. & T. Co. (76 N. Y. App. Div. 564; 78 N. Y. Supp. 598) 1928, 1929  
 — v. New York City (186 N. Y. 139; 78 N. E. 715, rev'g 109 N. Y. App. Div. 821; 96 N. Y. Supp. 754) 1089, 1865, 2981, 2983  
 — v. Norway (Winch. 37) 594  
 — v. Ocean City (74 N. J. L. 187; 64 Atl. 987) 1662  
 — v. Oregon City (2 Oreg. 327) 2424  
 — v. Parker (51 Ark. 419; 11 S. W. 681) 1687  
 — v. Parkersburg (16 W. Va. 402; 37 Am. Rep. 779) 2927, 2949  
 — v. Pawnee County (7 Okla. 686; 56 Pac. 701) 355, 398  
 — v. People (189 Ill. 83; 59 N. E. 515) 2452  
 — v. Philadelphia (47 Pa. 382) 550  
 — v. Philadelphia (60 Pa. St. 445) 464, 989, 997, 999  
 — v. Randolph County (140 Ind. 152; 39 N. E. 311) 764  
 — v. Royster (88 N. Car. 194) 2441  
 — v. St. Joseph (96 Mo. App. 663; 71 S. W. 106) 1727, 2999  
 — v. San Diego (109 Cal. 468; 42 Pac. 249; 30 L. R. A. 178) 179, 627, 630  
 — v. Sanitary Dist. of Chicago (163 Ill. 285; 45 N. E. 213) 1223, 1224  
 — v. Seattle (53 Wash. 564; 102 Pac. 448) 2637, 2638  
 — v. Simonton (43 Cal. 342) 560, 902, 903, 1029, 1095  
 — v. Somerville (195 Mass. 370; 81 N. E. 268; 10 L. R. A. n. s. 715) 767, 775, 2861, 2863, 2865, 2900, 2913  
 — v. Stark County (24 Ill. 75) 1319, 1378, 1397  
 — v. State (88 Ala. 176; 7 So. 253) 2461  
 — v. State (1 Ga. App. 195; 58 S. E. 265) 1730  
 Johnson v. State (59 Miss. 543) 972  
 — v. Steadman (3 Ohio St. 94) 678  
 — v. Thomson Houston El. Co. (54 Hun [N. Y.] 469; 7 N. Y. Supp. 716) 1912  
 — v. Thorndike (56 Me. 32) 2775  
 — v. Wells County (107 Ind. 15; 8 N. E. 1) 125, 232, 2635  
 — v. Whitefield (18 Me. 286; 36 Am. Dec. 721) 2974, 2978  
 — v. Wilson County (34 Kan. 670; 9 Pac. 384) 2766  
 Johnson City v. Charleston, C. & C. R. Co. (100 Tenn. 138; 44 S. W. 670) 586, 1464, 1480, 1481, 1512  
 — v. Wolfe (103 Tenn. 277; 52 S. W. 991) 1695, 1703, 1706, 2886  
 Johnson County v. January (94 U. S. 202) 1420, 1461, 1466, 1471, 1486  
 — v. Hicks (2 Ind. 527) 2651  
 — v. Thayer (94 U. S. 631) 1420  
 Johnston, *In re* (137 Cal. 115; 69 Pac. 973) 1084, 2062, 2063, 2138  
 Johnston v. Becker County (27 Minn. 64; 6 N. W. 411) 2456  
 — v. Boyle (8 Up. Can. Q. B. 142) 1707  
 — v. Charleston (3 S. Car. 232; 16 Am. Rep. 721) 2849, 3025, 3031  
 — v. Charlestown (1 Bay [S. Car.] 441) 645, 653  
 — v. Cleaveland County (67 N. Car. 101) 2724  
 — v. Consumers' Gas Co. (L. R. [1898] App. Cas. 447) 2238  
 — v. District of Columbia (1 Mackey [D. C.] 427) 3049  
 — v. District of Columbia (118 U. S. 19) 3038, 3048  
 — v. Irwin (3 Serg. & Rawle [Pa.] 291) 1887  
 — v. Lonstorf (128 Wis. 17; 107 N. W. 459) 1837, 1841  
 — v. Louisville (11 Bush [Ky.] 527, 538) 2483  
 — v. Macon (62 Ga. 645) 2403, 2472  
 — v. Mitchell (120 Mich. 589; 79 N. W. 812) 846  
 — v. Moorman (80 Va. 131) 771  
 — v. Old Colony R. Co. (18 R. I. 642; 49 Am. St. Rep. 800) 1841  
 — v. Oshkosh (21 Wis. 184) 2608  
 — v. Philadelphia (113 Fed. Rep. 40) 1178  
 — v. Sacramento County (137 Cal. 204; 69 Pac. 962) 2763  
 Johnstone v. Scott (11 Mich. 232) 1702  
 — v. Wilson (2 N. H. 202; 19 Am. Dec. 50) 678, 832  
 Johnstown v. Rodgers (20 N. Y. Misc. 262; 45 N. Y. Supp. 661) 763

## TABLE OF CASES CITED

205

[References are to pages]

<i>Joliet v. Adler</i> (71 Ill. App. 456)	2929	<i>Jones v. Erie &amp; W. V. R. Co.</i> (169 Pa. 333; 32 Atl. 535; 47 Am. St. Rep. 916)	1982
— <i>v. Alexander</i> (194 Ill. 457; 62 N. E. 861)	351, 372, 374, 375	— <i>v. Fireman's Fund Ins. Co.</i> (2 Daly [N. Y.] 307)	902
— <i>v. Conway</i> (119 Ill. 489; 10 N. E. 223)	3005	— <i>v. Fonda</i> (85 N. Y. App. Div. 265; 83 N. Y. Supp. 1012)	2651
— <i>v. Harwood</i> (86 Ill. 110; 29 Am. Rep. 17)	3026	— <i>v. Gable</i> (150 Mich. 30; 113 N. W. 577)	2600, 2602
— <i>v. Johnson</i> (177 Ill. 178; 52 N. E. 498)	3014	— <i>v. Gibson</i> (1 N. H. 266)	678
— <i>v. Looney</i> (159 Ill. 471; 42 N. E. 854)	3019	— <i>v. Graham</i> (16 Neb. 74; 19 N. W. 470)	280
— <i>v. Seward</i> (86 Ill. 402; 29 Am. Rep. 35)	3026	— <i>v. Granite Mills</i> (126 Mass. 84; 30 Am. Rep. 661)	1071
— <i>v. Seward</i> (99 Ill. 267)	3015	— <i>v. Greensboro</i> (124 N. Car. 310; 32 S. E. 675)	3020
— <i>v. Verley</i> (35 Ill. 58; 85 Am. Dec. 342)	466, 1833, 2839, 2964, 2970, 2993	— <i>v. Holzapfel</i> (11 Okla. 405; 68 Pac. 511)	2503, 2565, 2576, 2627
— <i>v. Werner</i> (166 Ill. 34; 46 N. E. 780)	1893, 1896	— <i>v. Jefferson</i> (66 Tex. 576; 1 S. W. 903)	2702
<i>Jonas v. Cincinnati</i> (18 Ohio, 318)	550, 1178, 2399, 2401	— <i>v. Johnston</i> (18 How. [U. S.] 150)	503
<i>Jones, In re</i> (90 Mo. App. 318)	977	— <i>v. Kolb</i> (56 Wis. 263; 14 N. W. 177)	174
<i>Jones, Ex parte</i> (38 Tex. Crim. Rep. 482; 43 S. W. 513)	2470	— <i>v. Lake View</i> (151 Ill. 663; 38 N. E. 688)	440, 2391
<i>Jones, In re</i> (7 Ex. 586)	676	— <i>v. Lancaster</i> (4 Pick. [Mass.] 149)	1185
<i>Jones v. Albany</i> (17 N. Y. Supp. 232)	2813	— <i>v. Little Rock</i> (25 Ark. 301)	1284
— <i>v. Andover</i> (9 Pick. [Mass.] 146)	832, 848, 849	— <i>v. Loving</i> (55 Miss. 109; 30 Am. Rep. 508)	747, 918
— <i>v. Bird</i> (5 B. & Al. 837)	3054	— <i>v. McAlpine</i> (64 Ala. 511)	900, 904
— <i>v. Boston</i> (104 Mass. 75; 6 Am. Rep. 194)	2961, 2988	— <i>v. McCaskill</i> (112 Ga. 453; 37 S. E. 724)	335
— <i>v. Boston</i> (104 Mass. 461)	1656, 2749, 2792	— <i>v. Madison County</i> (137 N. Car. 579; 50 S. E. 291; s. c. 135 N. Car. 218; 47 S. E. 753)	1359, 1493, 1505
— <i>v. Boston</i> (188 Mass. 53; 74 N. E. 295)	3015	— <i>v. Mersey Docks</i> (11 H. L. Cas. 443)	2907
— <i>v. Buffalo</i> (178 N. Y. 45; 70 N. E. 90, aff'g 79 N. Y. App. Div. 328; 79 N. Y. Supp. 754)	747	— <i>v. Nashville</i> (109 Tenn. 550; 72 S. W. 985)	2214, 2222
— <i>v. Camden</i> (44 S. Car. 319; 23 S. E. 141; 51 Am. St. Rep. 819)	1481, 1495	— <i>v. New Haven</i> (34 Conn. 1)	183, 2899, 2958, 2988, 2989, 3054
— <i>v. Carmarthen</i> (8 M. & W. 805)	732	— <i>v. New York</i> (60 N. Y. App. Div. 161; 70 N. Y. Supp. 46; aff'd 174 N. Y. 517; 66 N. E. 1113)	1241
— <i>v. Carragan</i> (36 N. J. L. 52)	1627	— <i>v. North Georgia Elect. Co.</i> (125 Ga. 618; 54 S. E. 85)	2125
— <i>v. Carter</i> (45 Tex. Civ. App. 450; 101 S. W. 514)	1697, 1698	— <i>v. North Wilkesboro</i> (150 N. Car. 646; 64 S. E. 866)	2784
— <i>v. Collins</i> (177 Mass. 444; 59 N. E. 64)	2975	— <i>v. Paul</i> (136 Mo. App. 524; 118 S. W. 522)	2634
— <i>v. Columbus</i> (25 Ga. 610)	580	— <i>v. Pettibone</i> (2 Wis. 308)	489
— <i>v. Columbus</i> (62 Ind. 422)	2396	— <i>v. Portland</i> (35 Oreg. 512; 58 Pac. 657)	1252, 1253, 1307
— <i>v. Corbin</i> ([Ky.], 98 S. W. 1002)	2886	— <i>v. Richmond</i> (18 Gratt. [Va.] 517; 98 Am. Dec. 695)	1139, 2847, 2884
— <i>v. Deering</i> (94 Me. 165; 47 Atl. 140)	2960	— <i>v. Robbins</i> (8 Gray [Mass.] 329)	1133
— <i>v. Detroit Water Com'rs</i> (34 Mich. 273)	2223, 2224		
— <i>v. Durham Water Co.</i> (135 N. Car. 553; 47 S. E. 615)	2305		
— <i>v. Erie &amp; W. R. Co.</i> (151 Pa. 30; 25 Atl. 134; 31 Am. St. Rep. 722)	2027		

[References are to pages]

- Jones v. Rochester Gas & El. Co.  
 (168 N. Y. 65; 60 N. E. 1044,  
 rev'g 45 N. Y. App. Div. 629;  
 64 N. Y. Supp. 1138) 2206, 2211  
 — v. San Francisco (141 Cal. 96;  
 74 Pac. 696) 2706  
 — v. Savage (24 N. Y. Misc.  
 158; 53 N. Y. Supp. 308) 1199  
 — v. Schulmeyer (39 Ind. 119)  
 2488  
 — v. Schuylkill Light, H. & P.  
 Co. (202 Pa. 164; 51 Atl. 762) 899,  
 900  
 — v. Seattle (19 Wash. 669; 53  
 Pac. 1105) 1377, 2608, 2609  
 — v. Seattle (51 Wash. 245; 98  
 Pac. 743) 2815  
 — v. Sioux Falls (18 S. Dak.  
 477; 101 N. W. 43) 3015  
 — v. Soulard (24 How. [U. S.]  
 41) 613  
 — v. South Omaha ([Neb.], 94  
 N. W. 957) 2596  
 — v. Stanstead, S. & C. R. Co.  
 (L. R. 4 P. C. App. 98) 1659  
 — v. State (100 Ala. 88; 14 So.  
 772) 676  
 — v. Tonawanda (158 N. Y. 438;  
 53 N. E. 280) 1964, 1969, 2317  
 — v. Waltham (4 Cush. [Mass.]  
 299; 50 Am. Dec. 733; 50 Am.  
 Dec. 783) 2963  
 — v. Willcox (80 N. Y. App.  
 Div. 167; 80 N. Y. Supp. 420) 713,  
 714, 806, 807, 820  
 — v. Williams (Ambl. 651) 2775  
 — v. Williamsburg (97 Va. 722;  
 34 S. E. 883; 47 L. R. A. 294) 1084,  
 2839, 2841, 3053  
 Jones Co. v. Board of Education  
 (30 N. Y. App. Div. 429; 51  
 N. Y. Supp. 950) 1400  
 — v. Guttenburg (66 N. J. L.  
 659; 51 Atl. 274) 1401, 2647, 2655,  
 2658  
 — v. Perry (26 Ind. App. 554;  
 57 N. E. 583) 2625  
 Jonesboro v. McKee (2 Yerg.  
 [Tenn.] 167) 2482  
 Jonesboro City v. Cairo & St.  
 Louis R. Co. (110 U. S. 192) 136, 575,  
 1463, 1526  
 Jonesville v. Southern Michigan  
 Tel. Co. (155 Mich. 86; 118  
 N. W. 736; 130 Am. St. Rep.  
 562) 2065  
 Joplin v. Leckie (78 Mo. App. 8) 449,  
 450  
 — v. Southwest Missouri Light  
 Co. (191 U. S. 150) 2160, 2161  
 Joplin Consol. Min. Co. v. Joplin  
 (124 Mo. 129; 27 S. W. 406) 1641,  
 1644, 1649, 1659  
 Joplin Waterworks Co. v. Joplin  
 (177 Mo. 496; 76 S. W. 960) 2297  
 Jordan, *In re* (90 Mich. 3; 50 N.  
 W. 1087) 1100  
 Jordan v. Andrus (27 Mont. 22;  
 69 Pac. 118) 352  
 — v. Benwood (42 W. Va. 312;  
 26 S. E. 266; 36 L. R. A. 519;  
 57 Am. St. Rep. 859) 2839, 2928,  
 3038, 3040, 3044, 3047, 3060, 3061  
 — v. Cass County (3 Dill. 185;  
 Fed. Cas. No. 7517) 1354, 1389,  
 1395, 1517, 2690, 2704  
 — v. Chenoa (166 Ill. 530; 47  
 N. E. 191) 1688, 1732, 1734, 1741,  
 1742, 1893, 1896  
 — v. Hannibal (87 Mo. 673) 2951  
 — v. Lisbon School Dist. (38  
 Me. 164) 766, 830, 832, 885, 1193,  
 1194  
 — v. Logansport (171 Ind. 280;  
 86 N. E. 47) 2763  
 — v. New York (26 N. Y. Misc.  
 53; 55 N. Y. Supp. 716) 2979  
 — v. Taylors' Falls Bd. of Edu-  
 cation (39 Minn. 298; 39 N. W.  
 801) 1588  
 Jorgensen v. Squires (144 N. Y.  
 280; 39 N. E. 373) 1783, 1872,  
 1873, 1874  
 Jorgenson v. Superior (111 Wis.  
 561; 87 N. W. 565) 2602, 2928  
 Joseph v. Milledgeville (97 Ga.  
 513; 25 S. E. 323) 2473, 2474  
 — v. Randolph (71 Ala. 499;  
 46 Am. Dec. 347) 1001, 2330  
 Joy v. York (99 Me. 237; 58 Atl.  
 1059) 2821  
 Joyce v. Barron (67 Ohio St. 264;  
 65 N. E. 1001) 2451, 2608, 2609  
 — v. Chicago (216 Ill. 466; 75  
 N. E. 184, aff'g 120 Ill. App.  
 398) 799, 801, 809, 810, 815  
 — v. Parkhurst (150 Mass. 243;  
 22 N. E. 899) 675  
 — v. Woods (78 Ky. 386) 1038, 2477  
 Joyes v. Shadburn ([Ky.], 13 S. W.  
 361) 2629  
 Joyner v. Egremont School Dist.  
 (3 Cush. [Mass.] 567) 2827  
 Judah v. Vincennes Univ. Trs. (16  
 Ind. 56) 1157  
 Judd v. Driver (1 Kan. 455) 2312  
 — v. Hartford (72 Conn. 350;  
 44 Atl. 510; 77 Am. St. Rep.  
 312) 3056  
 — v. New Britain (81 Conn.  
 300; 70 Atl. 1028) 2820  
 — v. State (25 Tex. Civ. App.  
 418; 62 N. W. 543) 126  
 — v. Thompson (125 Mass. 553) 877  
 Judge v. Meriden (38 Conn. 90) 1043,  
 2901, 2919, 3050, 3057

## TABLE OF CASES CITED

207

[References are to pages]

- Judkins *v.* Hill (50 N. H. 140) 645  
 Judson *v.* Bessemer (87 Ala. 240; 6 So. 267; 4 L. R. A. 742) 1386  
 — *v.* Bridgeport (25 Conn. 426) 1646, 1650  
 — *v.* Reardon (16 Minn. 431) 982  
 — *v.* Winsted (80 Conn. 384; 68 Atl. 999; 15 L. R. A. N. S. 91) 2136, 2910  
 Judy *v.* Lashley (50 W. Va. 628; 41 S. E. 197) 2799  
 Juilliard *v.* Greenman (110 U. S. 421) 544  
 Juker *v.* Commonwealth (20 Pa. 484) 634  
 Julia Build. Assoc. *v.* Bell Tel. Co. (88 Mo. 258; 57 Am. Dec. 398) 1922, 1930, 2947  
 Julienne *v.* Jackson (69 Miss. 34; 10 So. 43; 30 Am. St. Rep. 526) 1100, 1103  
 Junction City *v.* Blades (59 Kan. 774; 52 Pac. 444) 2999  
 — *v.* Keffe (40 Kan. 275) 1013  
 Junction R. Co. *v.* Philadelphia (88 Pa. 424) 2540, 2589, 2590  
 Juneau Ferry Co. *v.* Alaska S. S. Co. (1 Alaska, 533) 483  
 Jung *v.* Stevens Point (74 Wis. 547; 43 N. W. 513) 2814  
 Junkins *v.* Doughty Falls Union School Dist. (39 Me. 220) 848, 1145, 1174  
 Jury *v.* Adams (81 Kan. 207; 106 Pac. 279) 2657  
 Justice *v.* Logansport (101 Ind. 326) 2397, 2486  
 Justices *v.* Orr (12 Ga. 137) 1293, 1297, 1299, 1313  
 Jutte & Foley Co. *v.* Altoona (94 Fed. Rep. 61) 1178
- Kadderly *v.* Multnomah County Court (32 Oreg. 560; 52 Pac. 515) 520  
 — *v.* Portland (44 Oreg. 118; 74 Pac. 710; 75 Pac. 222) 916, 2503, 2576, 2637  
 Kagy *v.* West Des Moines Ind. Dist. (117 Iowa, 694; 89 N. W. 972) 1150  
 Kahn *v.* Macon (95 Ga. 419; 22 S. E. 641) 1110  
 — *v.* San Francisco (79 Cal. 388; 21 Pac. 849) 2595  
 Kahrs *v.* New York (98 N. Y. App. Div. 233; 90 N. Y. Supp. 793) 627  
 Kaigler *v.* Roberts (89 Ga. 476; 15 S. E. 542) 431, 657  
 Kaime *v.* Harty (4 Mo. App. 357) 920, 1703
- Kaiser *v.* Campbell (90 Minn. 375; 96 N. W. 916) 297  
 Kakeldy *v.* Columbia & P. S. R. Co. (37 Wash. 675; 80 Pac. 205) 1838, 2015  
 Kalamazoo *v.* Crawford (154 Mich. 58; 117 N. W. 572) 2584  
 — *v.* Francoise (115 Mich. 554; 73 N. W. 801) 2541  
 — *v.* Kalamazoo H. L. & P. Co. (124 Mich. 74; 82 N. W. 811) 1948, 2065  
 Kalteyer *v.* Sullivan (18 Tex. Civ. App. 488; 46 S. W. 288) 1767, 1788, 1789, 1839  
 Kammann *v.* Chicago (222 Ill. 63; 78 N. E. 16) 801, 815  
 Kandelin *v.* Ely (110 Minn. 55; 124 N. W. 449) 2821  
 Kane *v.* Baltimore (15 Md. 240) 1620, 1633, 1644, 1645  
 — *v.* Charleston (161 Ill. 179; 43 N. E. 611) 379, 1496  
 — *v.* Fond du Lac (40 Wis. 495) 1240  
 — *v.* Hughes County (12 S. Dak. 438; 81 N. W. 894) 1292, 1294, 1305  
 — *v.* Independent School Dist. (82 Iowa, 5; 47 N. W. 1076) 407, 1454  
 — *v.* New York Elev. R. Co. (125 N. Y. 164; 26 N. E. 278; 11 L. R. A. 640) 1775, 1778, 1993, 2010, 2023, 2025, 2038, 2047  
 — *v.* People (4 Neb. 509) 649, 2730  
 Kankakee *v.* Aetna Life Ins. Co. (106 U. S. 668) 1349  
 — *v.* Kankakee & I. R. R. Co. (115 Ill. 88; 3 N. E. 741) 1247  
 — *v.* McGrew (178 Ill. 74; 52 N. E. 893) 424, 426  
 — *v.* Potter (119 Ill. 324; 10 N. E. 212) 2453, 2586  
 Kankakee & S. R. Co. *v.* Horan (131 Ill. 288; 23 N. E. 621) 2018  
 Kansas *v.* Colorado (185 U. S. 125; s. c. 206 U. S. 46) 78, 1635, 2105, 2108  
 Kansas *v.* Swope (79 Mo. 446) 449  
 — *v.* Topeka (31 Kan. 452; 2 Pac. 593) 1012  
 Kansas Cent. R. Co. *v.* Jackson County (45 Kan. 716; 26 Pac. 394) 1616  
 Kansas City *v.* American Surety Co. (71 Mo. App. 315) 2481  
 — *v.* Bacon (147 Mo. 259; 48 S. W. 860) 116, 447, 1621, 1635, 1746, 2386, 2503, 2505, 2556  
 — *v.* Bacon (157 Mo. 450; 57 S. W. 1045) 1674, 2527  
 — *v.* Baird (98 Mo. 215; 11 S. W. 243, 562) 1641



[References are to pages]

- Kansas City v. Banks* ([Kan. App.], 61 Pac. 333) 1703  
 — *v. Clark* (68 Mo. 588) 920, 977  
 — *v. Cook* (69 Mo. 127) 2426  
 — *v. Collins* (34 Kan. 434; 8 Pac. 865) 2324  
 — *v. Cook* (69 Mo. 127) 2385  
 — *v. Corrigan* (86 Mo. 67) 2079  
 — *v. Flanagan* (69 Mo. 22) 450, 981, 1169  
 — *v. Frohwerk* (10 Kan. App. 120; 62 Pac. 432) 3043  
 — *v. Gibson* (66 Kan. 501; 72 Pac. 222) 2526, 2599, 2617  
 — *v. Gilbert* (65 Kan. 469; 70 Pac. 350) 2960  
 — *v. Gray* (62 Kan. 198; 61 Pac. 746) 2599  
 — *v. Grush* (151 Mo. 128; 52 S. W. 286) 2387, 2470  
 — *v. Hallett* (59 Mo. App. 160) 1110  
 — *v. Hanson* (60 Kan. 833; 58 Pac. 474) 1261  
 — *v. Hill* (80 Mo. 523) 1669  
 — *v. Huling* (87 Mo. 203) 2607  
 — *v. Hyde* (196 Mo. 498; 96 S. W. 201; 113 Am. St. Rep. 766) 915, 1803, 1839  
 — *v. Johnson* (78 Mo. 661) 2397, 2457  
 — *v. Kansas City B. R. Co.* (102 Mo. 633; 14 S. W. 808; 10 L. R. A. 851) 1617  
 — *v. Kimball* (60 Kan. 224; 56 Pac. 78) 2599  
 — *v. Lemen* (12 U. S. App. 640) 2880  
 — *v. Lemen* (57 Fed. Rep. 905) 2884, 2886  
 — *v. McDonald* (60 Kan. 481; 57 Pac. 123; 45 L. R. A. 429) 2999  
 — *v. McDonald* (73 Mo. App. 439) 1271  
 — *v. McDonald* (80 Mo. App. 444) 1270  
 — *v. Marsh Oil Co.* (140 Mo. 458; 41 S. W. 943) 114, 116, 447, 1621  
 — *v. O'Connell* (99 Mo. 357; 12 S. W. 791) 1265  
 — *v. O'Connor* (82 Mo. App. 655) 1263, 2584  
 — *v. Orr* (62 Kan. 61; 61 Pac. 397; 50 L. R. A. 783) 2998, 3034  
 — *v. Overton* (68 Kan. 560; 75 Pac. 549) 947, 2378, 2463, 2465  
 — *v. Payne* (71 Mo. 159) 2486  
 — *v. Richards* (34 Mo. App. 521) 2613  
 — *v. Richardson* (90 Mo. App. 450) 1850, 2387  
 — *v. Scarritt* (127 Mo. 642; 29 S. W. 845; 30 S. W. 111) 116, 117, 314  
*Kansas City v. Scarritt* (169 Mo. 471; 69 S. W. 283) 1724, 1755, 1763  
 — *v. Silver* (74 Kan. 851; 85 Pac. 805) 2637  
 — *v. Slangstrom* (53 Kan. 431; 36 Pac. 706) 3037  
 — *v. Smart* (128 Mo. 272; 30 S. W. 773) 1669  
 — *v. Smith* (8 Kan. App. 82; 54 Pac. 329) 2960  
 — *v. Smith* (93 Mo. App. 217) 1850  
 — *v. Stegmiller* (151 Mo. 189; 52 S. W. 723) 115, 121, 257, 271, 272, 284, 298  
 — *v. Vineyard* (128 Mo. 75; 30 S. W. 326) 1669  
 — *v. Ward* (134 Mo. 172; 35 S. W. 600) 368, 1635, 1663, 1679, 1746, 2556, 2609  
 — *v. Whipple* (136 Mo. 475; 38 S. W. 295; 35 L. R. A. 747; 58 Am. St. Rep. 657) 2385  
 — *v. White* (69 Mo. 261) 919  
 — *v. Zahner* (73 Mo. App. 396) 1110  
*Kansas City & N. C. R. Co. v. Baker* (183 Mo. 312; 82 S. W. 85) 1756  
*Kansas City & S. W. R. Co. v. Fisher* (53 Kan. 512; 36 Pac. 1004) 1648  
*Kansas City Bd. of Education v. Kansas City* (62 Kan. 374; 63 Pac. 600) 1751, 1756, 1763  
*Kansas City Brick Co. v. National Surety Co.* (157 Fed. Rep. 620) 1209, 1263  
*Kansas City Exposition Driving Park v. Kansas City* (174 Mo. 425; 74 S. W. 979) 2445, 2572  
*Kansas City, P. & G. R. Co. v. Waterworks Imp. Dist.* (68 Ark. 376; 59 S. W. 248) 2373, 2587  
*Kansas City, S. B. R. Co. v. Kansas City, St. L. & C. R. Co.* (118 Mo. 599; 24 S. W. 478) 1669  
*Kansas City, St. J. & C. B. R. Co. v. Nodaway Co. Ct. Jus.* (47 Mo. 349) 1517  
 — *v. St. Joseph Terminal R. Co.* (97 Mo. 457; 10 S. W. 826; 3 L. R. A. 240) 1983, 2010, 2021  
*Kansas City School Dist. v. Livers* (147 Mo. 580; 49 S. W. 507) 1266, 1269  
*Kansas City Sewer Pipe Co. v. Thompson* (120 Mo. 218; 25 S. W. 522) 1185, 1266  
*Kansas Mut. Life Ins. Co. v. Coalson* (22 Tex. Civ. App. 64; 54 S. W. 388) 1414  
*Kansas Pac. R. Co. v. Prescott* (16 Wall. [U. S.] 603) 2322



[References are to pages]

- Kansas Pac. R. Co. v. Wyandotte County** (16 Kan. 587) 2828, 2830, 2832
- Kansas Town Co. v. Argentine** (5 Kan. App. 50; 47 Pac. 542) 2455
- Karb v. State** (54 Ohio St. 383; 43 N. E. 920) 753, 759, 760
- Karfiol v. New York** (119 N. Y. App. Div. 70; 103 N. Y. Supp. 1036) 3055
- Karst v. St. Paul, S. & T. F. R. Co.** (22 Minn. 118) 464, 1820, 2082, 2928
- **v. Stillwater & T. F. R. Co.** (22 Minn. 118) 2922
- Karwisch v. Atlanta** (44 Ga. 204) 1095
- Kassell v. Savannah** (109 Ga. 491; 35 S. E. 147) 967
- Kathman v. New Orleans** (11 La. An. 145) 137
- Katz v. Walkinshaw** (141 Cal. 116; 70 Pac. 663; 74 Pac. 766; 64 L. R. A. 236) 2308
- Katzenberger v. Aberdeen** (121 U. S. 172; 16 Fed. Rep. 745) 232, 576, 580, 1480, 1512
- Katzenstein v. Hartford** (80 Conn. 663; 70 Atl. 23) 3039, 3056
- Kaufman v. Stein** (138 Ind. 49; 37 N. E. 333; 46 Am. St. Rep. 368) 1104, 1106
- Kaufmann v. Cooper** (46 Neb. 644; 65 N. W. 796) 1266, 1267, 1269
- Kaukauna Electric Light Co. v. Kaukauna** (114 Wis. 327; 89 N. W. 542) 2135, 2146, 2177, 2178, 2182, 2295, 2298, 2300
- Kaukauna W. P. Co. v. Green Bay & M. Canal Co.** (142 U. S. 254, aff'g 70 Wis. 635; 35 N. W. 529; 36 N. W. 828) 1595, 1625, 1626
- Kavanagh v. Barber** (131 N. Y. 211; 30 N. E. 235; 15 L. R. A. 689) 3058
- **v. Mobile & G. R. Co.** (78 Ga. 271; 2 S. E. 636) 1945, 1990
- **v. Police Pension Fund Com'rs** (134 Cal. 50; 66 Pac. 36) 756
- Kavanaugh v. St. Louis** (220 Mo. 496; 119 S. W. 552) 2729
- **v. Sanders** (8 Me. 442) 682
- Kaveny v. Troy** (108 N. Y. 571; 15 N. E. 726) 2966
- Kay v. Monroe** (93 N. Y. App. Div. 484; 87 N. Y. Supp. 1139) 1205
- Kayser v. Trustees of Bremen** (16 Mo. 88) 100, 108, 121, 616
- Kaysville v. Ellison** (18 Utah, 163; 55 Pac. 386; 43 L. R. A. 81; 72 Am. St. Rep. 772) 2425
- Kean v. Asch** (27 N. J. Eq. 57) 1649
- **v. Driggs Drainage Co.** (45 N. J. L. 91) 2506, 2509
- Kean v. Elizabeth** (35 N. J. L. 351) 1205
- **v. Elizabeth** (54 N. J. L. 462; 24 Atl. 495, aff'd 55 N. J. L. 337; 26 Atl. 939) 1838, 1839, 1843
- **v. Riger** (90 Md. 507; 45 Atl. 468) 640
- Keane v. New York** (88 N. Y. App. Div. 542; 85 N. Y. Supp. 130) 1155, 1170, 1194
- **v. Waterford** (130 N. Y. 188; 29 N. E. 130) 2967
- Kearney, *In re*** (7 Wheat. [U. S.] 38) 789
- Kearney v. Andrews** (10 N. J. Eq. 70) 667, 679, 986
- **v. Ballantine** (54 N. J. L. 194; 23 Atl. 821) 2931
- **v. Covington** (1 Met. [Ky.] 339) 1250, 1254
- **v. Downing** (59 Neb. 549; 81 N. W. 509) 1178
- **v. London, B. & S. C. R. Co.** (L. R. 5 Q. B. 411) 2978
- **v. Metropolitan Elev. R. Co.** (129 N. Y. 76; 29 N. E. 70) 2041, 2042
- **v. Themanson** (48 Neb. 74; 66 N. W. 996) 3039
- **v. West Chester Borough** (199 Pa. 392; 49 Atl. 227) 1888
- **v. Woodruff** (115 Fed. Rep. 90) 1361, 1366, 1461, 1481, 1484
- Kearney County v. Irvine** (126 Fed. Rep. 689) 1292, 1294, 1309
- Kearny, *Ex parte*** (55 Cal. 212) 926
- Kearny County v. Vandriess** (115 Fed. Rep. 866) 334, 624, 1375, 1461, 1481
- Keasy v. Louisville** (4 Dana [Ky.] 154; 29 Am. Dec. 395) 2929
- Keating v. Cincinnati** (38 Ohio, 141; 43 Am. Rep. 421) 2930
- **v. Kansas** (84 Mo. 415) 1155, 1258, 2838
- **v. Macdonald** (73 Conn. 125; 46 Atl. 871) 1852
- **v. Sparrow** (1 Ball & Beat. 367) 961
- **v. Stack** (116 Ill. 191; 5 N. E. 541) 649
- Keator Lumber Co. v. St. Croix Boom Co.** (72 Wis. 62; 38 N. W. 529; 7 Am. St. Rep. 837) 489
- Keck v. Cincinnati** (6 Ohio Dec. 97) 1072
- Keckely v. St. John's Par. Com'rs of Roads** (4 McCord [S. Car.] 257) 965
- Keefe v. Lexington & B. St. R. Co.** (185 Mass. 183; 70 N. E. 37) 1953, 1954
- **v. People** (37 Colo. 317; 87 Pac. Rep. 791; 8 L. R. A. n. s. 131) 902

[References are to pages]

- Keefe Mfg. & Inv. Co. v. School  
 Dist. No. 1 (33 Colo. 513; 81  
 Pac. 257) 2657  
 Keehn v. McGillicuddy (15 Ind.  
 App. 580; 44 N. E. 554) 2925  
 Keeler v. Frost (22 Barb. [N. Y.]  
 400) 849  
 — v. Milledge (24 N. J. L. 142) 978,  
 980, 981, 982, 1136  
 — v. Westgate (10 Pa. Dist. R.  
 240) 2395  
 Keeley v. Atlanta (69 Ga. 583) 2471  
 — v. Portland (100 Me. 260; 61  
 Atl. 180) 2838, 2840, 3048,  
 3053, 3055  
 Keely v. O'Conner (106 Pa. 321) 1071  
 Keen v. Waycross (101 Ga. 588;  
 29 S. E. 42) 449, 2099, 2100, 2763,  
 2783  
 Keene v. Bristol (26 Pa. St. 46) 1663  
 — v. Metropolitan Elev. R. Co.  
 (79 Hun [N. Y.] 451; 29 N. Y.  
 Supp. 971) 2044  
 Keene Five Cent Sav. Bank v.  
 Lyon Co. (97 Fed. Rep. 159) 385,  
 398, 1498  
 Keeney v. Hudson (27 N. J. L.  
 362) 1177  
 Keese v. Denver (10 Colo. 112; 15  
 Pac. 825) 2564, 2595, 2620  
 Keesee v. Civil Dist. Bd. of Educa-  
 tion (6 Cold. [Tenn.] 127) 2393  
 Kehoe v. Rutherford (74 N. J. L.  
 659; 65 Atl. 1046; 122 Am. St.  
 Rep. 411) 3043  
 Kehrner v. Richmond (81 Va. 745) 2923,  
 3041  
 — v. Stewart (197 U. S. 60, aff'g  
 117 Ga. 969; 44 S. E. 854) 2329,  
 2331, 2332, 2335, 2465  
 Keigher v. St. Paul (69 Minn. 78;  
 72 N. W. 54) 2583  
 Keim v. Chicago (46 Ill. App. 445)  
 1010  
 Keith v. Brockton (136 Mass. 119) 2966  
 — v. Du Quoin (89 Ill. App. 36)  
 1184  
 — v. Easton (2 Allen [Mass.]  
 552) 2961, 2963, 2973, 2974, 2978,  
 2988  
 — v. Granite Mills (126 Mass.  
 90; 30 Am. Rep. 666) 1071  
 — v. Wilson (145 Ind. 149; 44  
 N. E. 13) 1820  
 Keith County v. Citizens Sav. &  
 Loan Assoc. (116 Fed. Rep. 13) 457,  
 1359, 1361, 1376, 1380  
 Keithsburg v. Frick (34 Ill. 405) 1195,  
 1499, 1524, 1526, 1536  
 — v. Simpson (70 Ill. App. 467) 3038,  
 3052, 3056  
 Kellar v. Savage (17 Me. 444) 877, 882  
 — v. Savage (20 Me. 199) 763  
 Keller v. Corpus Christi (50 Tex.  
 614; 32 Am. Rep. 613) 557, 2846,  
 2847, 2849  
 — v. Hicks (22 Cal. 457; 83 Am.  
 Dec. 78) 531, 1301  
 — v. Hyde (20 Cal. 593) 2676  
 — v. Mt. Vernon (23 N. Y. App.  
 Div. 46; 48 N. Y. Supp. 370) 2563  
 — v. Scranton (200 Pa. 130; 49  
 Atl. 781; 86 Am. St. Rep. 708) 349,  
 354, 379  
 — v. Scranton (202 Pa. 586; 52  
 Atl. 26) 401  
 — v. State (11 Md. 525; 69 Am.  
 Dec. 226) 2323, 2469  
 Kelley v. Boardwell ([Neb.], 92  
 N. W. 643) 1178  
 — v. Boston (186 Mass. 165; 71  
 N. E. 299) 2887, 2888  
 — v. Brooklyn (4 Hill [N. Y.]  
 263) 544, 1171, 1293, 1304, 1327,  
 1329, 1342, 1347  
 — v. Cook (21 R. I. 29; 41 Atl.  
 571) 176, 2884, 2886, 2895  
 — v. Kennard (60 N. H. 1) 1569  
 — v. Lindsey (7 Gray [Mass.]  
 287) 2824  
 — v. Milan (127 U. S. 139; s. c.  
 21 Fed. Rep. 842) 449, 580, 581, 582,  
 1332, 1333, 1349, 1427, 1512, 2688,  
 2812  
 — v. Rhoads (188 U. S. 1) 2334  
 — v. Rhoads (7 Wyo. 237; 51 Pac.  
 593; 39 L. R. A. 594; 75 Am.  
 St. Rep. 904) 2829  
 — v. Sersanous ([Cal.], 46 Pac.  
 299) 1245  
 — v. State (6 Ohio St. 269) 259, 262,  
 264  
 Kellinger v. Forty-second St. &  
 G. S. R. Co. (50 N. Y. 206) 1796,  
 1835, 1979, 2001, 2024  
 Kellogg v. Elizabeth (40 N. J. L.  
 274) 2616, 2619, 2620  
 — v. Ely (15 Ohio St. 64) 2597, 2833  
 — v. Janesville (34 Minn. 132;  
 24 N. W. 359) 2984  
 — v. Kirksville (132 Mo. App.  
 519; 112 S. W. 296) 3049  
 — v. New York (15 N. Y. App.  
 Div. 326; 44 N. Y. Supp. 39) 2813  
 — v. Northampton (4 Gray  
 [Mass.] 65, s. c. 8 Gray [Mass.]  
 504) 2962, 2964, 2973, 2974, 2978  
 — v. School Dist. No. 10 (13  
 Okla. 285; 74 Pac. 110) 1287, 1296,  
 1361, 2764, 2768, 2783  
 — v. Thompson (66 N. Y. 88) 1892,  
 3036, 3037  
 Kellow v. Scranton (195 Pa. St.  
 134; 45 Atl. 676) 2985  
 Kelly, Matter of (42 N. Y. App.  
 Div. 283; 59 N. Y. Supp. 30) 713, 806

## TABLE OF CASES CITED

211

[References are to pages]

- Kelly v. Baltimore** (53 Md. 134) 2769, 2785  
 — *v. Baltimore* (65 Md. 171; 3 Atl. 594) 1821  
 — *v. Chadwick* (104 La. 719; 29 So. 295, aff'd 187 U. S. 540) 2527, 2629  
 — *v. Chicago* (62 Ill. 279) 1210, 2659, 2775  
 — *v. Chicago* (193 Ill. 324; 61 N. E. 1009) 2453  
 — *v. Cleveland* (34 Ohio St. 468) 2495  
 — *v. Columbus* (41 Ohio, 263) 2964, 2973, 3032  
 — *v. Fond du Lac* (31 Wis. 179) 2975  
 — *v. Madison* (43 Wis. 688) 2813, 2814  
 — *v. Marshall* (69 Pa. St. 319) 229, 2314  
 — *v. Meeks* (87 Mo. 396) 280, 615, 621, 925  
 — *v. Milwaukee* (18 Wis. 83) 458, 460, 2839  
 — *v. Minneapolis* (63 Minn. 125; 65 N. W. 115; 30 L. R. A. 281) 368, 376, 402  
 — *v. New York* (11 N. Y. 432) 3025, 3027  
 — *v. New York* (106 N. Y. App. Div. 576; 94 N. Y. Supp. 872) 3025, 3026  
 — *v. Otterstedt* (80 N. Y. App. Div. 398; 80 N. Y. Supp. 1008) 1860, 1862  
 — *v. Pittsburgh* (104 U. S. 78; s. c. 85 Pa. 170; 27 Am. Rep. 633) 92, 93, 110, 145, 612, 2363, 2364, 2425, 2499, 2520  
 — *v. Pittsburgh, C. C. & St. L. R. Co.* (28 Ind. App. 457; 63 N. E. 233; 91 Am. St. Rep. 134) 3038, 3045  
 — *v. Toronto* (23 Upper Can. Q. B. 426) 1078  
 — *v. Wimberly* (61 Miss. 548) 2675, 2719, 2733  
**Kelsey v. Glover** (15 Vt. 708) 2961  
 — *v. King* (33 How. [N. Y.] Pr. 39) 1694  
 — *v. King* (32 Barb. [N. Y.] 410) 1815, 1826, 1910  
 — *v. Marquette Fire & Water Com'rs* (113 Mich. 215; 71 N. W. 589; 37 L. R. A. 675) 2208  
 — *v. New York* (123 N. Y. App. Div. 381; 107 N. Y. Supp. 1089) 2912, 2913  
 — *v. Wright* (1 Root [Conn.] 83) 717, 720  
**Kelsh v. Dyersville** (68 Iowa, 137; 26 N. W. 38) 222  
**Kelso, In re** (147 Cal. 609; 82 Pac. 241; 2 L. R. A. N. s. 796; 109 Am. St. Rep. 178) 1061  
 — *v. Cole* (121 Cal. 121; 53 Pac. 353) 2634  
**Kelsoe v. Oglethorpe** (120 Ga. 951; 48 S. E. 366; 102 Am. St. Rep. 138) 1727, 1732, 1735, 1896  
**Kemble v. Millville** (69 N. J. L. 637; 56 Atl. 311) 2139  
**Kemp v. Des Moines** (125 Iowa, 640; 101 N. W. 474) 1820  
 — *v. Hazelhurst* (80 Miss. 443; 31 So. 908) 1376, 1382  
 — *v. Monett* (95 Mo. App. 452; 69 S. W. 31) 674, 735  
 — *v. Stradley* (134 Mich. 676; 97 N. W. 41) 509, 511, 512  
**Kemper v. Commonwealth** (85 Ky. 219; 3 S. W. 159; 7 Am. St. Rep. 593) 972  
 — *v. Louisville* (14 Bush [Ky.] 87) 1124, 2929, 3037  
**Kempster v. Milwaukee** (103 Wis. 421; 79 N. W. 411) 767, 2869  
**Kenady v. Lawrence** (128 Mass. 318) 2815  
**Kenaston v. Riker** (146 Mich. 163; 109 N. W. 278) 950, 1022  
**Kendall v. Frey** (74 Wis. 26; 42 N. W. 466; 17 Am. St. Rep. 118) 459  
 — *v. King* (17 C. B. 483) 524, 630  
 — *v. Porter* (120 Cal. 106; 45 Pac. 333; 52 Pac. 143) 1392  
 — *v. Post* (8 Oreg. 14) 1670  
 — *v. Raybould* (13 Utah, 226; 44 Pac. 1034) 747  
 — *v. Stokes* (3 How. [U. S.] 87) 762, 771, 2645, 2709  
 — *v. United States* (12 Pet. [U. S.] 524) 2645, 2659, 2694, 2698  
 — *v. Camden* (47 N. J. L. 64) 649, 652  
**Kenefick v. St. Louis** (127 Mo. 1; 29 S. W. 838) 316  
**Kenicott v. Jefferson County** (16 Wall. [U. S.] 452) 1420, 1461  
**Kennard v. Cass County** (3 Dillon C. C. R. 147) 1355  
 — *v. Morgan* (92 U. S. 480) 2499  
**Kenneally v. Chicago** (220 Ill. 485; 77 N. E. 155) 802, 804, 820, 2706  
**Kennebec Water Dist. v. Waterville** (96 Me. 234; 52 Atl. 774) 347, 1641, 1669, 2110, 2195  
 — *v. Waterville* (97 Me. 185; 54 Atl. 6) 1674, 2196, 2197, 2198, 2199, 2211, 2265, 2269, 2275, 2276, 2277, 2278  
**Kennedy v. Belmar** (61 N. J. L. 20; 38 Atl. 756) 307

[References are to pages]

- Kennedy v. Covington* (17 B. Mon. [Ky.] 567) 513  
 — *v. Covington* (8 Dana [Ky.] 50) 511, 1583, 1758  
 — *v. Cumberland* (65 Md. 514; 9 Atl. 234; 57 Am. Rep. 346) 1710, 1727, 1729, 1730, 1732, 1735, 1746  
 — *v. Lansing* (99 Mich. 518; 58 N. W. 470) 2960  
 — *v. Le Van* (23 Minn. 513) 1733  
 — *v. Montgomery County* (98 Tenn. 165; 38 S. W. 1075) 2781  
 — *v. Municipality* (10 La. An. 54) 1560  
 — *v. Murdick* (5 Harr. [Del.] 458) 1166  
 — *v. Newman* (1 Sandf. [N. Y.] 187) 1648  
 — *v. New York* (73 N. Y. 365; 29 Am. Rep. 169) 516, 2904, 2965  
 — *v. New York* (34 N. Y. App. Div. 311; 54 N. Y. Supp. 261) 2812  
 — *v. New York City* (99 N. Y. App. Div. 588; 91 N. Y. Supp. 252) 2293, 2296  
 — *v. Phelps* (10 La. An. 227) 1035, 1039, 1040, 1043  
 — *v. Philadelphia Board of Health* (2 Pa. St. 369) 1039  
 — *v. Portage La Prairie* (12 Manitoba R. 634) 3012  
 — *v. Sacramento* (19 Fed. Rep. 580) 2674  
 — *v. Sowden* (1 McMullen [S. Car.] 323) 953, 960, 964  
 — *v. Troy* (77 N. Y. 493) 2794  
 — *v. Washington* (3 Cranch C. C. N. S. 595) 2657  
*Kennelly v. Jersey City* (57 N. J. L. 293; 30 Atl. 531) 943, 1973, 2007  
*Kenney v. Consumers' Gas Co.* (142 Mass. 417; 8 N. E. 138) 1991  
*Kennicott v. Wayne County* (16 Wall. [U. S.] 425) 1435  
*Kennison v. Beverly* (146 Mass. 467; 16 N. E. 278) 3045, 3057  
*Kenny, Matter of* (52 N. Y. App. Div. 385; 65 N. Y. Supp. 204) 805  
 — *v. Hudspeth* (59 N. J. L. 320; 36 Atl. 662, s. c. 59 N. J. L. 504; 37 Atl. 67) 728  
*Kenosha v. Lamson* (9 Wall. [U. S.] 477) 136, 194, 523, 1297, 1396, 1398, 1405, 1408, 1410, 1413, 1524  
*Kensington v. Wood* (10 Pa. 93) 2924, 3041, 3056  
*Kensington Electric Co. v. Philadelphia* (187 Pa. 446; 41 Atl. 309) 1315, 2651  
*Kent v. Cheyenne* (2 Wyo. 6) 2842  
 — *v. Dana* (100 Fed. Rep. 56) 395, 1379, 1413, 1461, 1503  
*Kent v. Dickinson* (25 Gratt. [Va.] 817) 2647  
 — *v. North Tarrytown* (50 N. Y. App. Div. 502; 64 N. Y. Supp. 178) 1184, 1190  
 — *v. Pratt* (73 Conn. 573; 48 Atl. 418) 1713, 1725  
 — *v. St. Joseph* (72 Mo. App. 42) 2929  
 — *v. United States* (113 Fed. Rep. 232) 2692  
 — *v. Walton* (7 Wend. [N. Y.] 256) 1169  
 — *v. Worthing Local Board* (L. R. 10 Q. B. Div. 118) 2905  
*Kent County v. Grand Rapids* (61 Mich. 144; 27 N. W. 888) 1763  
 — *v. Verkerke* (128 Mich. 202; 87 N. W. 217) 765  
*Kenton v. State* (52 Ohio St. 59; 38 N. E. 885) 286  
*Kentucky v. Dennison* (24 How. [U. S.] 66) 78, 2645  
*Kentucky Railroad Tax Cases* (115 U. S. 321) 2366, 2369, 2465  
*Kentucky Refining Co. v. Selva* (19 Ky. Law Rep. 1071; 41 S. W. 288) 1722  
*Kentucky Seminary v. Wallace* (15 B. Mon. [Ky.] 35) 608, 610  
*Kentucky Wagon Mfg. Co. v. Louisville* ([Ky.] 20 Ky. Law R. 408; 46 S. W. 499) 620  
*Kenyon v. Spokane* (17 Wash. 57; 48 Pac. 783) 369, 1284, 1285, 1286, 1302, 1306, 1386, 1387  
*Keogh v. Wilmington* (4 Del. Ch. 491) 1225, 2657  
*Keokuk v. Cosgrove* (116 Iowa, 189; 89 N. W. 983) 1716, 1725, 1731, 1736  
 — *v. Dressell* (47 Iowa, 597) 976, 1004  
 — *v. Fort Wayne Elec. Co.* (90 Iowa, 67; 57 N. W. 689) 2140  
 — *v. Keokuk Indep. School Dist.* (53 Iowa, 352; 5 N. W. 503; 36 Am. Rep. 226) 2969, 2986, 3033  
 — *v. Keokuk Northern Line Packet Co.* (45 Iowa, 196, s. c. aff'd 95 U. S. 80) 475, 478, 480, 514  
 — *v. Scroggs* (39 Iowa, 447) 904  
*Keokuk & H. Bridge Co. v. Illinois* (175 U. S. 626) 2341  
 — *v. People* (145 Ill. 596; 34 N. E. 482) 2408  
 — *v. People* (161 Ill. 132; 43 N. E. 691) 2408  
*Keokuk & W. R. Co. v. Missouri* (152 U. S. 301) 2443, 2449, 2450  
*Keough v. Scott County* (28 Iowa, 337) 765

[References are to pages]

- Kepner *v.* Commonwealth (40 Pa. St. 124) 834, 893, 898, 910  
 Kepple *v.* Keokuk (61 Iowa, 653; 17 N. W. 140) 1820, 1821, 2927  
 Kerfoot *v.* Breckenridge (87 Ill. 205) 1651  
 Kerker *v.* Bocher (20 Okla. 729; 95 Pac. 981) 2600  
 Kerlin *v.* Campbell (15 Pa. St. 500) 1563  
 — *v.* Toledo (20 Ohio Cir. Ct. 603) 1584, 2129  
 Kerney *v.* Barber Asph. Pav. Co. (86 Mo. App. 573) 966  
 Kernochan *v.* Manhattan R. Co. (161 N. Y. 339; 55 N. E. 906) 2042  
 — *v.* New York Elev. R. Co. (128 N. Y. 559; 29 N. E. 65) 1776, 2040, 2041  
 Kerr *v.* Bellefontaine (13 Ohio Cir. Ct. 24) 1170  
 — *v.* Bellefontaine (59 Ohio St. 446; 52 N. E. 1024) 1155, 2110  
 — *v.* Corry (105 Pa. St. 282) 1325  
 — *v.* Corsicana ([Tex. Civ. App.], 35 S. W. 695) 881, 2451  
 — *v.* Dougherty (79 N. Y. 327) 1568  
 — *v.* New Orleans (126 Fed. Rep. 920) 1585, 1587  
 — *v.* Philadelphia (8 Phila. [Pa.] 292) 1591  
 — *v.* Preston Corp. (L. R. 6 Ch. Div. 463) 2849  
 — *v.* Seaver (11 Allen [Mass.] 151) 1101  
 — *v.* South Park Com'rs (117 U. S. 379) 1675, 1677, 1684  
 — *v.* Trego (47 Pa. 292) 651, 653, 839, 840, 841, 842, 2665, 2666, 2668  
 Kersey *v.* Terre Haute (161 Ind. 471; 68 N. E. 1027) 318, 1087  
 Kershaw *v.* Jansen (49 Neb. 467; 68 N. W. 616) 623  
 Kersten *v.* Milwaukee (106 Wis. 200; 81 N. W. 948, 1103; 48 L. R. A. 851) 2538, 2543, 2641  
 Kerz *v.* Galena Water Co. (139 Ill. App. 598) 2205  
 Kessler *v.* Berger (205 Pa. 289; 54 Atl. 887; 61 L. R. A. 611) 3012  
 Kester *v.* Western Un. Tel. Co. (108 Fed. Rep. 926) 1928  
 Ketchum *v.* Buffalo (14 N. Y. 356; 17 N. Y. 449) 524, 533, 548, 1073, 1074, 1327, 1328, 1557, 1558, 1866, 2773  
 Kettelle *v.* Warwick, &c. Water Co. (23 R. I. 114; 49 Atl. 492) 231  
 Kettering *v.* Jacksonville (50 Ill. 39) 121, 984  
 Kettle *v.* Dallas (35 Tex. Civ. App. 632; 80 S. W. 874) 166, 2538  
 — *v.* Fremont (1 Neb. 329) 1791, 1836  
 Kewanee *v.* Otley (204 Ill. 402; 68 N. E. 388) 3053  
 Keyes *v.* Cedar Falls (107 Iowa, 509; 78 N. W. 227) 3001, 3019  
 — *v.* Marcellus (50 Mich. 439; 15 N. W. 542) 2964, 2965, 2974  
 — *v.* Second Baptist Church (99 Me. 308; 59 Atl. 446) 3000  
 — *v.* Tait (19 Iowa, 123) 1710  
 — *v.* Westford (17 Pick. [Mass.] 273) 451, 848, 1174  
 Keymer, Matter of (148 N. Y. 219; 42 N. E. 667; 35 L. R. A. 447, aff'g 89 Hun [N. Y.] 292; 35 N. Y. Supp. 161) 698, 711, 712  
 Keyport *v.* Cherry (51 N. J. L. 417; 18 Atl. 299, aff'd 52 N. J. L. 544; 20 Atl. 970) 1799  
 — *v.* Freehold & A. H. R. Co. (74 N. J. L. 480; 65 Atl. 1035) 1725, 1739  
 Keyser *v.* Sunapee Charitable School Dist. (35 N. H. 477) 848, 1190, 1193  
 Keystone State T. & T. Co. *v.* Ridley Park (28 Pa. Super. Ct. 635) 1958, 1959  
 Kibbie Tel. Co. *v.* Landphere (151 Mich. 309; 115 N. W. 244; 16 L. R. A. N. s. 689) 1923  
 Kibele *v.* Philadelphia (105 Pa. St. 41) 2905, 2917, 3015, 3054  
 Kiburg, *Ex parte* (10 Mo. App. 442) 1110  
 Kidd *v.* Alabama (188 U. S. 730) 2414, 2467  
 — *v.* Pearson (128 U. S. 1) 556, 2351  
 — *v.* Reynolds (20 Tex. Civ. App. 355; 80 S. W. 600) 1102  
 Kidder *v.* Peoria (29 Ill. 77) 1646, 1648  
 Kidderminster *v.* Hardwick (L. R. 9 Exch. 13) 1189  
 Kidderminster Town Council, &c. *v.* Court (1 E. & E. 770) 829  
 Kidson *v.* Bangor (99 Me. 139; 58 Atl. 900) 881, 884, 1192, 2596, 2901, 3055  
 Kieffer *v.* Ehler (18 Pa. St. 388) 1402  
 Kiel *v.* Chicago (176 Ill. 137; 52 N. E. 29) 930, 1010  
 Kiep *v.* Metropolitan Elev. R. Co. (17 N. Y. Supp. 804) 2044, 2048  
 Kiernan, *In re* (62 N. Y. 457) 2596, 2599  
 — *v.* Swan (131 Cal. 410; 63 Pac. 768) 325  
 Kierst *v.* Street Imp. Dist. No. 120 (86 Ark. 1; 109 S. W. 526) 2503  
 Kies *v.* Erie (135 Pa. 144; 19 Atl. 942; 20 Am. St. Rep. 867) 2895  
 Kiesel *v.* Ogden City (8 Utah, 237; 30 Pac. 758) 3056



[References are to pages]

- Kiessig v. Allspaugh* (91 Cal. 231; 27 Pac. 655; 13 L. R. A. 418) 1263  
 — *v. Allspaugh* (99 Cal. 452; 34 Pac. 106) 1263  
*Kiichli v. Minnesota Brush Electric Co.* (58 Minn. 418; 59 N. W. 1088; 49 Am. St. Rep. 523) 1178, 2152  
*Kilbourne v. St. John* (59 N. Y. 21; 17 Am. Rep. 291) 2773  
 — *v. Thompson* (103 U. S. 168) 150, 789  
*Kile v. Yellowhead* (80 Ill. 208) 1631  
*Kiley v. Cranor* (51 Mo. 541) 878, 2527  
 — *v. Forsee* (57 Mo. 390) 678, 924  
 — *v. Kansas* (69 Mo. 102; 33 Am. Rep. 491) 1043  
 — *v. Kansas City* (87 Mo. 103; 56 Am. Rep. 443) 2841, 2989  
*Kilgore v. Magee* (85 Pa. 401) 266, 280, 310  
*Kilgout v. Drainage Com'rs* (111 Ill. 342) 109  
*Kilpatrick v. Baltimore* (81 Md. 179; 31 Atl. 805) 1563  
*Kilvington v. Superior* (83 Wis. 222; 53 N. W. 487) 1023, 1202, 1207, 1348  
*Kimball v. Boston* (1 Allen [Mass.] 417) 2880, 2884  
 — *v. Cedar Rapids* (99 Fed. Rep. 130) 2227, 2257, 2259  
 — *v. Cedar Rapids* (100 Fed. Rep. 802) 2167, 2201  
 — *v. Cushman* (103 Mass. 194; 4 Am. Rep. 528) 2977  
 — *v. Grantsville* (19 Utah, 368; 57 Pac. 1; 45 L. R. A. 628) 2425  
 — *v. Hewitt* (15 Daly [N. Y.] 124; 3 N. Y. Supp. 756) 2778  
 — *v. Homan* (74 Mich. 699; 42 N. W. 167) 1843  
 — *v. Kenosha* (4 Wis. 321) 1620, 1836  
 — *v. Kockersperger* (160 Ill. 653; 43 N. E. 710) 2600  
 — *v. Lamprey* (19 N. H. 215) 833, 886, 2673  
 — *v. Marshall* (44 N. H. 465) 833, 864  
 — *v. Rockland* (71 Me. 137) 1660  
 — *v. Rosendale* (42 Wis. 407; 24 Am. Rep. 421) 129, 1524, 3024  
 — *v. Roxbury School Dist.* (28 Vt. 8) 1193  
*Kimberlin v. Commission* (104 Fed. Rep. 653) 2657  
 — *v. State* (130 Ind. 120; 29 N. E. 773; 30 Am. St. Rep. 208) 721, 722  
*Kimble v. Peoria* (140 Ill. 157; 29 N. E. 723) 2547  
 — *v. White W. V. Canal Co.* (1 Ind. 285) 1659, 1662  
*Kimmerle v. Cassopolis* (160 Mich. 90; 125 N. W. 65) 2776  
*Kimmish v. Ball* (129 U. S. 217) 557  
*Kinard v. Oakland Police Court* (2 Cal. App. 179; 83 Pac. 175) 2800  
*Kincaid v. Hardin County* (53 Iowa, 430; 5 N. W. 589; 36 Am. Rep. 236) 2855, 2856, 2857  
 — *v. Indianapolis Nat. Gas. Co.* (124 Ind. 577; 24 N. E. 1066; 8 L. R. A. 602; 19 Am. St. Rep. 113) 1775, 1825, 1913, 1993  
*Kincaid's Appeal* (66 Pa. St. 411) 1032  
*Kinder v. Gillespie* (63 Ill. 88) 959, 960, 1100  
*Kine v. Defenbaugh* (64 Ill. 291) 1670  
*King v. Abington* (1 Ld. Raym. 561; s. c. 2 Salk. 699) 2664, 2715, 2716  
 — *v. Abington* (2 Salk. 431; *Id.* 699) 2719  
 — *v. Allen* (2 Up. Can. Q. B. 101) 1712  
 — *v. Amery* (2 Bro. P. C. 336) 616  
 — *v. Amery* (2 T. R. 515) 587, 594, 2745  
 — *v. Andover* (1 Ld. Raym. 710) 792  
 — *v. Andover* (3 Salk. 229) 798  
 — *v. Ashwell* (12 East, 22) 919, 920, 955  
 — *v. Atkins* (3 Mod. 3) 715, 826  
 — *v. Atkins* (3 Burr. 1706) 1036  
 — *v. Atwood* (4 B. & Ad. 481) 987  
 — *v. Axbridge* (2 Term R. 182) 745  
 — *v. Axbridge* (2 Cowper, 523) 745, 809, 2672, 2723  
 — *v. Babb* (3 T. R. 579) 886, 887, 2673  
 — *v. Bailiffs, &c.* (1 Barn. & Cress. [Eng.] 86) 466  
 — *v. Bank* (2 B. & Ald. 620) 2672  
 — *v. Bankes* (3 Burr. 1454) 2664  
 — *v. Bank of England* (Doug. 506) 2654  
 — *v. Barber Surgeons* (1 Ld. Raym. 585) 923  
 — *v. Barker* (3 Burr. 1265; 1 W. Black, 352) 790, 2644, 2645  
 — *v. Barnard* (Comb. 416) 664  
 — *v. Bedford* (1 East, 80) 2666  
 — *v. Bedford* (1 Barnard, 242) 2728  
 — *v. Beeston* (3 Term R. 592) 848, 849  
 — *v. Bellringer* (4 Term R. 810) 826, 861  
 — *v. Benchers of Gray's Inn* (Douglas, 339) 2652  
 — *v. Bird* (13 East, 367) 919, 920  
 — *v. Bond* (6 D. & R. 333) 726  
 — *v. Bower* (1 Barn. & Cress. 492) 827



[References are to pages]

<b>King v. Bower</b> (1 Barn. & Cress. 585; s. c. 2 Dowl. & R. 761) 721, 722	<b>King v. Cusack</b> (2 Roll. 113) 2737
— <b>v. Brecknock &amp; A. Canal Co.</b> (3 A. & E. 217; s. c. <i>Ib.</i> 477; s. c. 4 Nev. & Man. 871) 2711, 2712	— <b>v. Davenport</b> (98 Ill. 305; 38 Am. Rep. 89) 1035, 1104
— <b>v. Bridgman</b> (2 Stra. 1203) 887	— <b>v. Davey</b> (5 Esp. 217) 1035
— <b>v. Bristol</b> (1 D. & R. 389; s. c. 5 B. & Ald. 731) 2672	— <b>v. Davie</b> (6 Ad. & E. 374) 636
— <b>v. Bristol Dock Co.</b> (6 B. & C. 181) 2658, 2661	— <b>v. Dawes</b> (4 Burr. 2022) 2741
— <b>v. Broughton</b> (5 Burr. 2700) 2945	— <b>v. Dawes</b> (4 Burr. 2277) 827
— <b>v. Brown</b> (31 Pa. Super. Ct. 50) 1660	— <b>v. Dean, &amp;c.</b> (1 Str. 539) 679
— <b>v. Brown</b> (3 D. & E. T. R. 574) 2741	— <b>v. Debenham</b> (2 B. & Ald. 187) 888
— <b>v. Buller</b> (8 East, 388) 863, 2673	— <b>v. Derby</b> (7 A. & E. 419) 2664
— <b>v. Bumstead</b> (2 B. & Ad. 699) 635, 667	— <b>v. Derby</b> (2 Salk. 436) 2714, 2719
— <b>v. Burgess</b> (2 Burr. 908) 1696	— <b>v. Derby</b> (Cas. Temp. Hardw. 155) 797, 810
— <b>v. Cambridge</b> (4 Burr. 2008) 636, 2664, 2669, 2671, 2716, 2720	— <b>v. Devon</b> (Ry. & M. 144) 1832
— <b>v. Champion</b> (1 Sid. 14) 2672, 2723	— <b>v. Devonshire</b> (1 Barn. & Cress. 609) 827
— <b>v. Carlile</b> (6 C. & P. 636) 1787, 1858, 1859	— <b>v. Dimpsey</b> (2 Term R. 96) 952
— <b>v. Carlisle</b> (1 Str. 385) 866	— <b>v. Doncaster</b> (Say. 38) 782, 793
— <b>v. Carlisle</b> (Fortesc. 200) 797	— <b>v. Doncaster</b> (2 Burr. 738) 781, 808, 828, 866
— <b>v. Carmathen</b> (1 Maule & Sel. 697) 809	— <b>v. Doncaster</b> (2 Ld. Raym. 1564) 716, 798, 816
— <b>v. Carter</b> (Cowp. 59) 826, 827	— <b>v. Downey</b> (24 Ind. App. 262; 56 N. E. 680) 1266
— <b>v. Chalke</b> (Comb. 397) 797	— <b>v. Dublin</b> (1 Stra. 540) 2714
— <b>v. Chalke</b> (5 Mod. 257) 781	— <b>v. Dugan</b> (150 Cal. 258; 88 Pac. 925) 1740
— <b>v. Chalke</b> (1 Ld. Raym. 225) 781, 798, 808, 809, 810, 816	— <b>v. Duluth</b> (78 Minn. 155; 80 N. W. 874; s. c. 81 Minn. 182; 83 N. W. 526) 1230
— <b>v. Chase</b> (15 N. H. 9; 41 Am. Dec. 675) 3033	— <b>v. Duryea</b> (45 N. J. L. 258) 2593
— <b>v. Chester</b> (2 T. R. 565) 2737	— <b>v. East India Co.</b> (4 B. & Ad. 530) 2712
— <b>v. Chester</b> (1 Maule & Sel. [Eng.] 101) 457, 466	— <b>v. Eastington</b> (5 A. & E. 765) 2945
— <b>v. Chitty</b> (5 Ad. & E. 609) 635, 667, 798	— <b>v. Ecclesfield</b> (1 B. & Al. 348) 2945
— <b>v. Clapham</b> (1 Wils. 305) 886	— <b>v. Egerly</b> (3 Salk. 183) 1787
— <b>v. Clarke</b> (1 East, 38) 2731	— <b>v. Everett</b> (Cas. Temp. Hardw. 261) 2654
— <b>v. Clarke</b> (2 Ld. Raym. 848) 2719	— <b>v. Exeter</b> (1 Ld. Raym. 223) 2719
— <b>v. Cleveland</b> (28 Fed. Rep. 835; s. c. 132 U. S. 295) 3023	— <b>v. Exeter</b> (12 Mod. 251) 2719
— <b>v. Colchester</b> (2 T. R. 259) 2664, 2669	— <b>v. Exeter</b> (Comb. 197) 636
— <b>v. Colon Tp.</b> (125 Mich. 511; 84 N. W. 1077) 3001	— <b>v. Eye Bor.</b> (2 D. & R. 172) 2656
— <b>v. Com'rs of Sewers for the Tower Hamlets</b> (1 B. & Ad. 232) 566	— <b>v. Faversham Fishermen's Co.</b> (8 D. & E. T. R. 356) 782, 809, 811, 828, 986, 987
— <b>v. Cottrell</b> (1 B. & Ald. 67) 1072, 1074	— <b>v. Fens</b> (2 Keble, 43) 1135
— <b>v. Coventry</b> (1 Ld. Raym. 391) 792	— <b>v. Ford</b> (70 Ga. 628) 567
— <b>v. Croke</b> (Cowp. 29) 609, 839	— <b>v. Ft. Ann</b> (180 N. Y. 496; 73 N. E. 481) 2973
— <b>v. Cross</b> (2 C. & P. 483) 1036	— <b>v. Fowey</b> (4 D. & R. 614) 2719, 2724
— <b>v. Cross</b> (3 Campb. 224) 1042, 1787, 1856, 1857, 1858	— <b>v. Foxwell</b> (L. R. 3 Ch. Div. 518) 636
	— <b>v. Frankfort</b> (2 Kan. App. 530; 43 Pac. 983) 1292, 1312
	— <b>v. Frost</b> (8 A. & E. 822) 2709
	— <b>v. Gaborian</b> (11 East, 87) 826
	— <b>v. Glamorganshire</b> (1 Ld. Raym. 580) 2791
	— <b>v. Glossop</b> (4 B. & Ald. 616) 976

[References are to pages]

King v. Gloucester (3 Bulst. 190)	2716	King v. Kahne (27 Ky. Law Rep.	
— v. Godwin (Doug. 397)	725	1080; 87 S. W. 807)	2741
— v. Granger (21 R. I. 93; 41		— v. Kansas City (58 Kan. 334;	
Atl. 1012; 79 Am. St. Rep.		49 Pac. 88)	3048, 3056
779)	3054	— v. Kent (13 East, 220)	589
— v. Grant (1 Barn. & Adol.		— v. Kerrison (3 Maule & S.	
104)	445	526)	2077
— v. Greene (6 A. & E. 549)	2673	— v. Kingston (8 Mod. 210; s. c.	
— v. Greet (8 Barn. & Cress.		11 Mod. 382; s. c. 1 Stra.	
363)	827	578)	2714
— v. Griffiths (3 B. & Ald. 735)	810,	— v. Lamb (117 Cal. 401; 49	
	2723	Pac. 561)	2454
— v. Grimes (5 Burr. 2601)	809,	— v. Lancashire (12 East, 366)	2706
	828, 844	— v. Langhorne (4 Ad. & El.	
— v. Grosvenor (2 Str. 1193)	722	538)	828
— v. Grosvenor (7 Mod. 199)	589	— v. Larwood (Carthew, 306)	679
— v. Gwyn (1 Stra. 401)	888	— v. Leake (5 B. & Ad. 469)	1707,
— v. Hamill (97 Md. 103; 54			1729, 2945
Atl. 625)	1049	— v. Lediard (Sayer, 6)	2798
— v. Hardwick (11 East, 578)	889	— v. Leicester (4 Burr. 2089)	809
— v. Harris (1 Barn. & Ad. 936)	798,	— v. Leyland (3 M. & S. 184)	722,
	809, 829, 867, 868		2664, 2666
— v. Harris (6 Ad. & El. 475;		— v. Lindsey (14 East, 317)	1832
33 Eng. C. L. 117)	2743	— v. Lisle (Andrews, 163)	720, 844
— v. Harrison (3 Burr. 1328)	903,	— v. Liverpool (3 East, 86)	2945,
	924, 986		3035
— v. Hastings (5 Barn. & Ald.		— v. Liverpool (2 Burr. 723)	781,
[Eng.] 692)	466, 1115		796, 798, 808, 810, 828, 866
— v. Hastings (1 D. & R. 148)	2656	— v. Liverpool (1 Barnard, 83)	2664
— v. Head (4 Burr. 2521)	839	— v. Llandilo Dist. (2 D. & E.	
— v. Headley (7 Barn. & Cress.		T. R. 232)	2662
496)	827	— v. Lloyd (1 Camp. 260)	1707
— v. Hearle (1 Str. 627)	715	— v. Lloyd (4 Esp. 200)	1035, 1037
— v. Heath (1 Barnard, 417)	636	— v. Lloyd (Cald. 309)	2798
— v. Heaven (2 D. & E. Term		— v. London (2 T. R. 182)	798,
R. 772)	781		2672
— v. Hebden (Andr. 391)	827, 844	— v. London (6 Vin. Abr. 296)	719
— v. Hereford (1 Ld. Raym.		— v. London (Mich., 33 Car.	
559)	2715	II.; 2 Show. 263)	19
— v. Hereford (2 Salk. 701)	2714,	— v. Lord Gordon (Doug. 593)	
	2716, 2719		889
— v. Hertford (1 Ld. Raym.		— v. Lucas (10 East, 235)	887, 2673
426)	838	— v. Lyme Regis (Doug. 85)	793
— v. Hill (4 B. & C. 441)	828	— v. Lyme Regis (Doug. 153)	781,
— v. Hodge (2 B. & Ald. 344)	2741		782
— v. Hopkins (1 Q. B. 161)	2673	— v. Lyme Regis (Doug. 177)	810
— v. Hughes (5 Barn. & Cress.		— v. Madison (17 Ind. 48)	2423
886)	723, 726	— v. Malet (2 Barnard. 408)	636
— v. Hungerford (11 Mod. 132)	722	— v. Marchioness of Downshire	
— v. Hungerford Market Co.		(4 A. & E. 232)	1743
(4 B. & Ad. 327)	1652	— v. Margate Pier Co. (3 B. &	
— v. Hyde (21 L. J. Mag. Cas.		Ald. 221)	2705
94)	976	— v. Market St. Com'rs (4 B.	
— v. Incledon (13 East, 164)	1037	& Ad. 335)	1652
— v. Ingram (1 W. Bl. 50)	886	— v. Marquis of Buckingham	
— v. Inhabitants of Essex (4		(4 Camp. 189)	1832
T. R. 591)	566	— v. Marshall (2 B. & A. 341)	727
— v. Jacksonville (3 Ill. 306)	975	— v. Marten (4 Burr. 2120)	2741
— v. Johnson (1 Wils. 325)	1036	— v. Mashiter (6 Ad. & E. 153)	636
— v. Jones (3 Campb. 230)	1042,	— v. May (4 Barn. & Ad. 843)	827
	1857, 1858, 1861	— v. May (5 Burr. 2682)	828
— v. Jones (6 East, 230)	1857,	— v. Merchant Taylor's Co. (2	
	1858	Lev. 200)	961

## TABLE OF CASES CITED

217

[References are to pages]

<b>King v. Middlesex Archd.</b> (3 A. & E. 615; s. c. 5 Nev. & Man. 494)	2712	<b>King v. Oxfordshire</b> (16 East, 223)	2801, 2803
— <b>v. Miller</b> (6 Term R. 277)	588, 826, 827, 862, 863, 923, 2733	— <b>v. Pagham Sewer Com'rs</b> (8 B. & C. 355)	3039
— <b>v. Milverton</b> (3 A. & E. 284)	2712	— <b>v. Parry</b> (6 Ad. & El. 810; 2 N. & P. 414)	2741
— <b>v. Mitchell</b> (10 East, 511)	636, 887	— <b>v. Pasmore</b> (3 Term R. 241)	588, 590, 593, 605, 616, 719
— <b>v. Monday</b> (Cowp. 530)	636, 826, 827, 846, 862	— <b>v. Patterson</b> (4 B. & Ad. 9)	723, 725, 726
— <b>v. Moore</b> (3 B. & Ad. 184)	1037, 1858	— <b>v. Payne</b> (2 Chitty, 366)	723, 2743
— <b>v. Morely</b> (2 Burr. 1040)	1135, 2731, 2798	— <b>v. Penderryn</b> (2 T. R. 513)	2945
— <b>v. Morris</b> (3 East, 213)	588	— <b>v. Phillips</b> (1 Str. 394)	715
— <b>v. Morris</b> (4 East, 26)	826	— <b>v. Pigram</b> (2 Burr. 767)	886
— <b>v. Mothersell</b> (1 Stra. 93)	876, 888, 889	— <b>v. Plymouth</b> (1 Barnard. 81)	2716
— <b>v. Neill</b> (2 C. & P. 485)	1035, 1036, 1049	— <b>v. Ponsonby</b> (1 Vesey, 1)	781, 2744
— <b>v. Neville</b> (1 Peak, 92)	1036	— <b>v. Poole</b> (Cas. Temp. Hardw. 23)	720
— <b>v. Newcastle</b> (2 Stra. 1223)	887, 2673	— <b>v. Portland</b> (2 Oreg. 146)	2503, 2565
— <b>v. Newdigate</b> (Comb. 10)	1037	— <b>v. Portland</b> (38 Oreg. 402; 63 Pac. 2; 55 L. R. A. 812, aff'd 184 U S. 61)	2364, 2365, 2366, 2370, 2529, 2562, 2567
— <b>v. New Radnor</b> (2 Ld. Kenyon's N. 498)	2743	— <b>v. Powell</b> (Sayer, 239)	2743
— <b>v. New York</b> (102 N. Y. 171; 6 N. E. 395)	1660	— <b>v. Priest</b> (6 Term R. 538)	952
— <b>v. New York Cent. &amp; H. R. R. Co.</b> (66 N. Y. 181; 23 Am. Rep. 37)	3025, 3027	— <b>v. Purnell</b> (1 Wils. 242)	887
— <b>v. Nicholson</b> (1 Stra. 299)	590, 2728	— <b>v. Radford</b> (1 East, 80)	2664
— <b>v. Norris</b> (1 Barnard. K. B. 385)	863	— <b>v. Reed</b> (43 N. J. L. 186)	2616, 2619
— <b>v. Norris</b> (1 Ld. Raym. 337)	608	— <b>v. Richards</b> (8 T. R. 634)	1036
— <b>v. Northampton</b> (2 M. & S. 262)	1698, 1793, 1832	— <b>v. Richardson</b> (1 Burr. 517)	780, 781, 782, 796, 797, 798, 808, 810
— <b>v. North Curry</b> (4 B. & C. 959)	637, 887	— <b>v. Richmond</b> (6 T. R. 560)	637, 887
— <b>v. Norwich</b> (1 B. & Ad. 310)	2664	— <b>v. Ripon</b> (1 Ld. Raym. 563)	723, 724
— <b>v. Norwich</b> (1 Stra. 55)	2715, 2718	— <b>v. Round</b> (4 Ad. & El. 139)	886
— <b>v. Norwich</b> (2 Ld. Raym. 1244; s. c. 2 Salk. 436)	2720, 2721	— <b>v. Rowe</b> (1 Show. 188)	810
— <b>v. Nottingham</b> (Sayer, 217)	2658	— <b>v. Russell</b> (6 East, 427)	1042, 1787, 1857, 1859
— <b>v. Nottingham</b> (1 Sid. 31)	886	— <b>v. Russell</b> (3 E. & B. 942)	1037
— <b>v. Nottingham Water-works Co.</b> (6 A. & E. 355)	2648	— <b>v. Russell</b> (6 B. & C. 566)	1857, 1859
— <b>v. Ogden</b> (10 B. & C. 210)	2741	— <b>v. Sadler</b> (4 C. & P. 218)	1037
— <b>v. Osbourne</b> (4 East, 326)	588, 2733	— <b>v. St. Benedict Par.</b> (4 B. & Ald. 447)	1707
— <b>v. Oxford</b> (6 Ad. & E. 349)	787, 2715, 2716	— <b>v. St. George Par.</b> (3 Campb. 222)	3035
— <b>v. Oxford</b> (7 East, 345)	2705	— <b>v. St. Martin's Land Tax Com'rs</b> (1 T. R. 148)	1644, 2664
— <b>v. Oxford</b> (Cas. Temp. Hardw. 178)	2664	— <b>v. Salop</b> (Buller's N. P. 198)	2724
— <b>v. Oxford</b> (2 Salk. 428)	792, 2672	— <b>v. Salop County</b> (13 East, 95)	1832
— <b>v. Oxford</b> (Palm. 455)	798, 828	— <b>v. Salway</b> (9 B. & C. 424)	457
— <b>v. Oxfordshire</b> (4 B. & C. 194)	2945	— <b>v. Sandys</b> (2 Barnard. 302)	808
— <b>v. Oxfordshire</b> (1 B. & Ad. 289)	1832	— <b>v. Sankey</b> (5 A. & E. 423)	565, 1570
		— <b>v. Sargent</b> (5 D. & E. T. R. 466)	637, 887, 2741
		— <b>v. Sarmon</b> (1 Burr. 516)	1788, 1859

[References are to pages]

- King v. Saunders (3 East, 119) 589,  
 592, 2734, 2735, 2736  
 — v. Sawyer (10 B. & C. 486) 2667  
 — v. Scarborough (2 Stra.  
 1180) 2664  
 — v. Seale (8 East, 568) 952, 976  
 — v. Severn & Wye R. Co. (2  
 B. & Ald. 646) 2649, 2708  
 — v. Shelley (3 Term R. 142) 866,  
 887, 2673  
 — v. Shrewsbury (Cases Temp.  
 Hardw. 147) 809, 828  
 — v. Slatford (5 Mod. 316) 2672  
 — v. Slythe (6 B. & C. 242) 2741  
 — v. Smart (4 Burr. 2143) 826  
 — v. Smith (1 Stra. 126) 888  
 — v. Smith (2 M. & S. 598) 2714,  
 2715, 2716, 2718  
 — v. Smith (5 M. & S. 133) 952  
 — v. Spencer (3 Burr. 1827,  
 1828) 635, 667, 924  
 — v. Spokane (52 Wash. 601;  
 100 Pac. 997) 2820  
 — v. Stacey (1 T. R. 13) 2707  
 — v. Stafford (3 T. R. 651) 2649  
 — v. Stainforth & K. Canal Co.  
 (1 M. & S. 132) 2654, 2706  
 — v. Stead (8 T. R. 142) 1037  
 — v. Stewart (4 East, 17) 588  
 — v. Storr (3 Burr. 1698) 1036  
 — v. Stratford-upon-Avon Bor.  
 (14 East, 348) 2801  
 — v. Stratford (1 Lev. 291) 792  
 — v. Superior (117 Fed. Rep.  
 113) 396, 1390, 1453, 1454, 1459,  
 1469  
 — v. Symonds (1 East, 189) 952  
 — v. Taylor (2 Str. 1167) 1039  
 — v. Taylor (3 Salk. 231) 781, 782,  
 798, 808  
 — v. Tenterden (8 Mod. 114) 2727  
 — v. Theodorick (8 East, 545) 828,  
 829, 830  
 — v. Thetford (8 East, 270) 2664  
 — v. Thetford (12 Vin. Abr. 90) 888  
 — v. Thompson (2 T. R. 18) 976  
 — v. Thornton (4 East, 308) 715  
 — v. Tidderly (1 Sid. 14) 724, 781  
 — v. Tizzard (17 Eng. C. L. 193) 727  
 — v. Tooley (12 Mod. 312) 2719  
 — v. Totness (5 Dowl. & R.  
 483) 797  
 — v. Tower (4 M. & S. 162) 2673  
 — v. Trafford (1 B. & Ad. 874) 1036,  
 1832  
 — v. Tregony (8 Mod. 111) 588,  
 842, 2664, 2717  
 — v. Trelawney (3 Burr. 1615) 725  
 — v. Trevensen (2 B. & A. 479) 2707,  
 2741  
 — v. Truro (3 B. & A. 592) 797,  
 2664  
 — v. Varlo (Cowp. 250) 826  
 King v. Ward (4 A. & E. 384) 1785,  
 1857, 1859  
 — v. Ward (L. R. 8 Q. B. 210) 2707  
 — v. Wardroper (4 Burr. 1964) 2741  
 — v. Warlow (2 M. & S. 76) 2743  
 — v. Watson (2 Term R. 204) 773  
 — v. Watts (M. & M. 281) 1036  
 — v. Wells (4 Dowl. P. C. 562)  
 1115  
 — v. Wells (4 Burr. 1999) 797, 798  
 — v. West Looe (3 B. & C. 685) 2718  
 — v. West Looe (5 Dowl. & R.  
 416) 797  
 — v. West Riding (2 East, 342) 1832  
 — v. West Riding (7 East, 596) 1832  
 — v. West Virginia (216 U. S.  
 92) 2359, 2502  
 — v. Westwood (4 B. & C. 721) 839,  
 1085  
 — v. West Yorkshire (5 Burr.  
 2594) 1793  
 — v. Weymouth (7 Mod. 371) 635,  
 667  
 — v. White (1 Burr. 333) 1035  
 — v. Whitney (3 A. & E. 69) 1832  
 — v. Whitwell (5 T. R. 86) 722,  
 2744  
 — v. Wigan (3 Burr. 1645) 2719  
 — v. Wildman (2 Strange, 879) 886,  
 2714  
 — v. Williams (2 Maule & Sel.  
 141) 863, 2654  
 — v. Williams (1 Burr. 402;  
 s. c. 2 Kenyon, 75) 838, 2729  
 — v. Williams (1 Russ. 321) 1039  
 — v. Williams (1 W. Black, 93) 2742,  
 2743  
 — v. Willis (7 Mod. 262) 2714  
 — v. Wilson (1 Dillon C. C.  
 555) 570, 1367, 1406, 1413, 2695,  
 2786  
 — v. Wilton (2 Salk. 428) 809  
 — v. Wilton (5 Mod. 259) 808  
 — v. Winchester (7 A. & E. 215) 645,  
 2664, 2667, 2670  
 — v. Woodrow (2 T. R. 732) 722,  
 2664  
 — v. Wyatt (2 Ld. Raym. 1478) 952  
 — v. Yates (Stiles, cited 8 Mod.  
 101) 797  
 — v. York (4 T. R. 669) 844, 2664,  
 2666  
 — v. York (6 T. R. 495) 2720  
 — v. Yorkshire (7 T. R. 467) 1037  
 — v. Yorkshire, &c. (1 A. & E.  
 563) 2652  
 King Bridge Co. v. Otoo County  
 (124 U. S. 459) 1313  
 King County v. Ferry (5 Wash.  
 536; 32 Pac. 538; 19 L. R. A.  
 500; 34 Am. St. Rep. 880) 684  
 King Hill Brick Mfg. Co. v. Hamil-  
 ton (51 Mo. App. 120) 1236

[References are to pages]

- Kingman, Petitioner** (153 Mass. 566; 27 N. E. 778; 12 L. R. A. 417) 2537, 2612
- Kingman v. Brockton** (153 Mass. 255; 26 N. E. 998; 11 L. R. A. 123) 751, 752, 1596, 2313
- *v. North Bridgewater School Dist.* (2 Cush. [Mass.] 425) 1193
- *v. Plymouth County* (6 Cush. [Mass.] 306) 1655
- Kingman County v. Cornell University** (57 Fed. Rep. 149) 1364, 1461
- Kingsbury v. Dedham** (13 Allen [Mass.] 186; 90 Am. Dec. 191) 2978
- *v. Flowers* (65 Ala. 479; 39 Am. Rep. 14) 1034
- *v. Quincy School District* (12 Met. [Mass.] 99) 827, 831, 832, 847, 848, 1174
- Kings County v. Johnson** (104 Cal. 198; 37 Pac. 870) 309
- Kings County Elev. R. Co., Matter of** (82 N. Y. 95) 1970
- *In re* (105 N. Y. 97; 13 N. E. 18) 1954, 1955, 2033
- *v. Cocks* (22 N. Y. Supp. 1017) 1967
- Kings County F. Ins. Co. v. Stevens** (101 N. Y. 411; 5 N. E. 353) 1582, 1842
- Kingsland v. Kings County Elev. R. Co.** (83 Hun [N. Y.] 151; 31 N. Y. Supp. 582) 1967
- *v. New York* (110 N. Y. 569; 18 N. E. 435) 475, 480
- *v. Union Township* (37 N. J. L. 268) 2537
- Kingsley v. Bowman** (33 N. Y. App. Div. 1; 53 N. Y. Supp. 426) 1197, 2777, 2778, 2780
- *v. Brooklyn* (78 N. Y. 200) 1158, 1243
- *v. Brooklyn* (5 Abb. [N. Y.] N. Cas. 1) 1225
- *v. Nylan* (136 Mich. 535; 99 N. W. 744) 2661
- Kingston v. Horner** (Cowp. 102) 442
- Kingston Ins. Co. v. Decker** (33 Barb. [N. Y.] 196) 683
- King William County v. Munday** (2 Leigh [Va.] 165) 2647, 2650, 2651
- Kinmundy v. Mahan** (72 Ill. 462) 962
- Kinnare v. Chicago** (171 Ill. 332; 49 N. E. 536) 2888
- Kinnear Mfg. Co. v. Beatty** (65 Ohio St. 264; 62 N. E. 341; 87 Am. St. Rep. 600) 1844, 1846
- Kinneen v. Wells** (144 Mass. 497; 11 N. E. 916; 59 Am. Rep. 105) 774
- Kinney v. Eastern Trust & Banking Co.** (123 Fed. Rep. 297) 2695
- Kinney v. Koopman** (116 Ala. 310; 22 So. 593; 67 Am. St. Rep. 119) 1047
- *v. Tekamah* (30 Neb. 605; 46 N. W. 835) 2965
- *v. Troy* (108 N. Y. 567; 15 N. E. 728) 2966
- *v. Zimpleman* (36 Tex. 554) 2396
- Kinnie v. Waverly** (42 Iowa, 437) 1246
- Kinsel, In re** (64 Kan. 1; 67 Pac. 634; 56 L. R. A. 475) 1133
- Kinsella v. Auburn** (26 N. Y. St. Rep. 884; 7 N. Y. Supp. 317) 1633
- Kinsey v. Union Traction Co.** (169 Ind. 563; 81 N. E. 922) 2032
- Kinsley v. Chicago** (124 Ill. 359; 16 N. E. 260) 997, 1004, 1095, 2463
- *v. Norris* (60 N. H. 131) 1190
- Kinsman St. R. Co. v. Broadway & N. St. R. Co.** (36 Ohio St. 239) 1956
- Kinston v. Loftin** (149 N. Car. 255; 62 S. E. 1069) 2369
- *v. Wooten* (150 N. Car. 295; 63 S. E. 1061) 2369, 2528
- Kinyon, In re** (9 Idaho, 642; 75 Pac. 268) 2326
- Kinzer v. Marion Indep. School Dist.** (129 Iowa, 441; 105 N. W. 686; 3 L. R. A. n. s. 496) 2651, 2656
- Kinzie v. Chicago** (3 Ill. 187; 33 Am. Dec. 443) 631
- Kiowa County v. Howard** (83 Fed. Rep. 296) 1238, 1461, 1503, 1505
- Kip v. Buffalo** (123 N. Y. 152; 25 N. E. 165) 691
- *v. New York & H. R. Co.* (6 Hun [N. Y.] 24; 67 N. Y. 227) 2033
- *v. Paterson* (26 N. J. L. 298) 925, 978, 980, 981, 996, 997, 1080, 1121, 2462, 2793
- Kipley v. Luthardt** (178 Ill. 525; 53 N. E. 74) 686
- Kirby v. Boylston Market Assoc.** (14 Gray [Mass.] 249; 74 Am. Dec. 682) 1085, 2968, 2973, 2984, 2986, 3030, 3031
- *v. Citizens' R. Co.* (48 Md. 168; 30 Am. Rep. 455) 2065, 2613
- *v. Citizens' Tel. Co.* (17 S. Dak. 362; 97 N. W. 3) 1930
- *v. Shaw* (19 Pa. 258) 2315, 2425, 2539, 2567
- Kircher v. Pederson** (117 Wis. 68; 93 N. W. 813) 2764
- Kirk v. Homer** (28 N. Y. Supp. 1009; 77 Hun [N. Y.] 459) 2984
- *v. King* (3 Barr. 436) 1576
- *v. Nowill* (1 Term R. 118) 953, 956, 957, 963
- Kirkbridge v. Lafayette Co.** (108 U. S. 208) 1441



[References are to pages]

Kirker v. Cincinnati (48 Ohio St. 507; 27 N. E. 898)	843	Kittanning v. Kittanning Consol. Nat. Gas Co. (26 Pa. Super. Ct. 355)	1829
Kirkham v. Russell (76 Va. 956)	450, 925	— v. Thompson (211 Pa. 169; 60 Atl. 584)	1810
Kirkland v. Indianapolis (142 Ind. 123; 41 N. E. 374)	1815	Kittering v. Jacksonville (50 Ill. 39)	121, 988
Kirkman v. Handy (11 Humph. [Tenn.] 406)	1038, 1049	Kittinger v. Buffalo Traction Co. (160 N. Y. 377; 54 N. E. 1081)	258, 911, 1946, 2779, 2780
— v. Nashville ([Tenn. Ch. App.], 55 S. W. 1072)	1695	Kittle v. Pfeiffer (22 Cal. 490)	1715
Kirkpatrick v. New Brunswick St. Com'rs (42 N. J. L. 510)	2537, 2538, 2564	Kizer v. Winchester (141 Ind. 694; 40 N. E. 265)	2363
— v. State (42 Tex. Crim. Rep. 459; 60 S. W. 762)	2323	Klamath County v. Leavitt (32 Ore. 437; 52 Pac. 20)	1285, 1296
Kirkwood v. Meramec Highlands Co. (94 Mo. App. 637; 68 S. W. 761)	449, 986, 2156, 2159, 2167	Klamath Falls v. Sachs (35 Ore. 325; 57 Pac. 329; 76 Am. St. Rep. 501)	377, 1343, 1357, 1464, 1485
— v. Newburg (45 Hun [N. Y.] 323)	170	Klatt v. Milwaukee (53 Wis. 196; 10 N. W. 162; 40 Am. Rep. 759)	2963
— v. Newbury (122 N. Y. 571; 26 N. E. 10)	1783	Klauber v. Higgins (117 Cal. 451; 49 Pac. 466)	61
Kirsch v. Braun (153 Ind. 247; 53 N. E. 1082)	1391, 1393	Kleimenhagen v. Dixon (122 Wis. 526; 100 N. W. 626)	825, 866
Kirst v. Street Imp. Dist. No. 120 (86 Ark. 1; 109 S. W. 526)	2374, 2532	Klein v. Missouri Pac. R. Co. (114 Mo. App. 89; 89 S. W. 75)	2894
Kirtland v. Hotchkiss (100 U. S. 491; s. c. 42 Conn. 426)	2408, 2414, 2424	— v. New Orleans (99 U. S. 149)	1586, 1588
— v. Macon (66 Ga. 385)	1782	— v. Nugent Gravel Co. ([Ind. App.], 66 N. E. 486)	2530
Kirven v. Virginia-Carolina Chem. Co. (145 Fed. Rep. 288)	2327	— v. Smith County (54 Miss. 254)	2675, 2679, 2707
Kirwin v. Nevin (111 Ky. 682; 64 S. W. 647)	2481	— v. Tuhey (13 Ind. App. 74; 40 N. E. 144)	2609
Kiskiminetas v. Conemaugh Gas Co. (14 Pa. Super. Ct. 67)	2061, 2069	— v. Warren County (51 Miss. 578)	2675, 2679, 2707
Kissel v. Columbus Grove (34 Weekly Law Bull. 50, aff'd 53 Ohio St. 650; 44 N. E. 1140)	2764	Kleiner v. Madison (104 Wis. 339; 80 N. W. 453)	2960
Kistner v. Indianapolis (100 Ind. 210)	1975	Klemm v. Newark (61 N. J. L. 112; 38 Atl. 692)	1143
Kitchell v. Union County Com'rs (123 Ind. 540; 24 N. E. 366)	458	Kleng v. Buffalo (156 N. Y. 700; 51 N. E. 1091)	2966, 2967, 3002
Kitching v. Brown (180 N. Y. 414; 73 N. E. 241, modifying 92 App. Div. 160; 87 N. Y. Supp. 75)	1069	Kleopfert v. Minneapolis (90 Minn. 158; 95 N. W. 908)	2880
Kitredge v. Milwaukee (20 Wis. 46)	2957, 2975, 3035	— v. Minneapolis (93 Minn. 118; 100 N. W. 669)	2869, 2871
Kitson v. Ann Arbor (26 Mich. 325)	2470	Kline v. Huntington County (152 Ind. 321; 51 N. E. 476)	2637
Kittaning Academy v. Brown (41 Pa. 269)	1889, 1897	— v. Jefferson County ([Ky.], 101 S. W. 356)	1319
Kittanning v. Armstrong Water Co. (35 Pa. Super. Ct. 174)	2075, 2076	— v. McKelvey (57 W. Va. 29; 49 S. E. 896)	2667
— v. Consolidated Nat. Gas Co. (219 Pa. 250; 68 Atl. 728)	2074	— v. Streator (78 Ill. App. 42)	1386
— v. Garretts Run Gas Co. (35 Pa. Super. Ct. 167)	2074	— v. Tacoma (11 Wash. 193; 39 Pac. 453)	2451
		Klinesmith v. Harrison (18 Ill. App. 467)	990
		Klingler v. Bickel (117 Pa. St. 326; 11 Atl. 555)	1104
		Klinkener v. McKeesport School Directors (11 Pa. St. 444)	1694, 1723, 1756, 1793



## TABLE OF CASES CITED

221

[References are to pages]

- Klug v. Jeffers** (88 N. Y. App. Div. 246; 85 N. Y. Supp. 423) 1702, 1706
- Knapp v. Grant** (27 Wis. 147) 1524
- **v. Hoboken** (38 N. J. L. 371) 1252, 2678
- **v. Hoboken** (39 N. J. Law, 394) 542, 1340
- **v. Kansas City** (48 Mo. App. 485) 449, 450
- **v. Newtown** (1 Hun [N. Y.] 268) 1401
- **v. St. Louis** (153 Mo. 560; 55 S. W. 104) 1663, 1841, 1843, 1844
- **v. St. Louis** (156 Mo. 343; 56 S. W. 1102) 914, 1838, 1839, 1843, 1844
- **v. St. Louis Transfer R. Co.** (126 Mo. 26; 28 S. W. 627) 1813, 1868, 1983, 2021
- **v. Swaney** (56 Mich. 345; 23 N. W. 162) 1266, 1588
- Knauer v. Louisville** (20 Ky. Law Rep. 193; 45 S. W. 510; 41 L. R. A. 219) 1029
- Knaust, Matter of** (101 N. Y. 188; 4 N. E. 338) 139
- Kneedler v. Norristown** (100 Pa. St. 368; 45 Am. Rep. 384) 925, 942, 1105
- Kneeland v. Furlong** (20 Wis. 437) 1212
- **v. Lawrence** (140 U. S. 209) 1476
- **v. Milwaukee** (15 Wis. 454) 2447
- **v. Milwaukee** (18 Wis. 411) 1212
- Knibbs v. Hall** (1 Esp. 279) 2835
- Knickerbocker Ice Co. v. Forty Second St. R. Co.** (85 N. Y. App. Div. 530; 83 N. Y. Supp. 469, aff'd 176 N. Y. 408; 68 N. E. 864) 475, 500, 1583, 1897
- Knight v. Ashland** (61 Wis. 233; 21 N. W. 65) 625
- **v. Carrollton R. Co.** (9 La. An. 284) 1970
- **v. Eureka** (123 Cal. 192; 55 Pac. 768) 460, 1245
- **v. Heaton** (22 Vt. 480) 1890, 1898
- **v. Kansas City** (113 Mo. App. 561; 87 S. W. 1192) 1727, 3019
- **v. Kansas City, St. J. & C. B. R. Co.** (70 Mo. 231) 911
- **v. Nash** (22 Minn. 452) 470
- **v. Shelton** (134 Fed. Rep. 423) 660
- **v. Thompsonville** (74 Ill. App. 550) 2785
- **v. United States Land Assoc.** (142 U. S. 161) 475, 1758
- **v. Wells** (1 Ld. Raym. 80) 606
- **v. Wells** (1 Lut. 519) 592
- **v. West Union** (45 W. Va. 194; 32 S. E. 163) 1384, 1386
- Knight v. Wilder** (2 Cush. [Mass.] 199) 503
- Kniper v. Louisville** (7 Bush [Ky.] 599) 995, 997, 2398, 2468
- Knipper v. Covington** (109 Ky. 187; 58 S. W. 498; 22 Ky. Law Rep. 676) 411
- Kniseley v. Cotterel** (196 Pa. 614; 46 Atl. 861; 50 L. R. A. 86) 2472
- Knoblauch v. Minneapolis** (56 Minn. 321; 57 N. W. 928) 1640, 1649, 1650, 1671, 1820
- Knobloch v. Chicago, M. & St. P. R. Co.** (31 Minn. 402; 18 N. W. 106) 1091, 2067
- Knopf v. Corcoran** (112 Ill. App. 320) 1315, 2650
- **v. People** (185 Ill. 20; 57 N. E. 22; 76 Am. St. Rep. 17) 280, 281, 334
- Knorr v. Miller** (5 Ohio Cir. Ct. 609) 2148
- Knostman & P. Furniture Co. v. Davenport** (99 Iowa, 589; 68 N. W. 887) 3047, 3048, 3060, 3061
- Knoth v. Manhattan R. Co.** (187 N. Y. 243; 79 N. E. 1015, aff'g 109 N. Y. App. Div. 802; 96 N. Y. Supp. 844) 2049
- Knouff v. Logansport** (26 Ind. App. 202; 59 N. E. 347; 84 Am. St. Rep. 292) 2969
- Knowles v. Knowles** (25 R. I. 325; 55 Atl. 755) 1897
- **v. Muscatine** (20 Iowa, 248) 1799
- **v. New York** (37 Misc. [N. Y.] 195; 75 N. Y. Supp. 189) 211, 1203, 1216
- **v. Plantation No. 4** (14 Me. 25) 1193
- **v. Temple** (49 Wash. 595; 96 Pac. 1) 2486
- **v. Yates** (31 Cal. 82) 634
- Knowlton v. Rock County** (9 Wis. 410) 2407, 2427
- **v. Watertown** (130 U. S. 327) 1888, 2703
- Knox v. Baton Rouge** (36 La. An. 437) 2402, 2674
- **v. Lee** (12 Wall. [U. S.] 457) 544
- **v. New York City** (55 Barb. [N. Y.] 404) 2024
- **v. Peterson** (21 Wis. 247) 2451, 2485
- Knox County v. Aspinwall** (21 How. [U. S.] 539) 570, 1165, 1386, 1396, 1403, 1409, 1417, 1418, 1420, 1423, 1424, 1428, 1436, 1437, 1440, 1461, 1465, 1471, 1491, 1530, 1534, 1535
- **v. Aspinwall** (24 How. [U. S.] 376) 1253, 2686, 2687, 2695, 2722
- **v. Harshman** (133 U. S. 152) 1497

## TABLE OF CASES CITED

[References are to pages]

Knox County v. Johnson (124 Ind. 145; 24 N. E. 148)	792	Koebler v. Pennewell (75 Ohio St. 278; 79 N. E. 471)	1032
— v. Jones (7 Ind. 3)	849	Koehler v. Black River F. Iron Co. (2 Black [U. S.] 715)	630
— v. McComb (19 Ohio St. 320)	1583	— v. New York Elev. R. Co. (159 N. Y. 218; 53 N. E. 1114, aff'g 9 N. Y. App. Div. 449; 41 N. Y. Supp. 209)	1968, 2040
— v. Montgomery (109 Ind. 69; 9 N. E. 590)	2856	Koelesch v. New York (34 N. Y. App. Div. 98; 54 N. Y. Supp. 110)	627
— v. Nichols (14 Ohio St. 260)	1428, 1438	Koepke v. Milwaukee (112 Wis. 475; 88 N. W. 238)	2960
— v. Ninth National Bank (147 U. S. 91)	584, 642, 654, 658, 659, 1486	Koeppen v. Sedalia (89 Mo. App. 648)	2920
Knox County Court v. United States (109 U. S. 229)	2681	Koerner v. State (148 Ind. 158; 47 N. E. 323)	722
Knoxville v. Africa (77 Fed. Rep. 501)	1942, 1956, 1972, 1973, 1984	Koester v. Ottumwa (34 Iowa, 41)	2963, 2964, 2993, 3013
— v. Bell (12 Lea [Tenn.] 157)	3023	Kohl v. United States (91 U. S. 367)	1603, 1638
— v. Bird (12 Lea [Tenn.] 121; 47 Am. Rep. 326)	1104	Kohler v. Guttenberg (38 N. J. L. 419)	2505
— v. Cox (103 Tenn. 368; 53 S. W. 734)	3002	Kohlhepp v. West Roxbury (120 Mass. 596)	882
— v. King (7 Lea [Tenn.] 441)	958, 960, 964, 965	Kokes v. State (55 Neb. 691; 76 N. W. 467)	2668
— v. Klasing (111 Tenn. 134; 76 S. W. 814)	2900, 3056	Kokomo v. Mahan (100 Ind. 242)	1809, 1820, 2580, 2581, 2925
— v. Knoxville Water Co. (212 U. S. 1)	2252, 2261, 2277, 2283, 2284, 2287, 2289	Kolb v. Boonton (64 N. J. L. 163; 44 Atl. 873)	986
— v. Knoxville Water Co. (107 Tenn. 647; 64 S. W. 1075, aff'd 189 U. S. 434)	865, 866, 947, 2229, 2232	— v. Knoxville (111 Tenn. 311; 76 S. W. 823)	3056
— v. Lewis (12 Lea [Tenn.] 180)	553, 2101	Kollock v. Dodge (105 Wis. 187; 80 N. W. 608)	740
Knoxville & O. R. Co. v. Harris (99 Tenn. 684; 43 S. W. 115)	2339	Konrad v. Rogers (70 Wis. 492; 36 N. W. 261)	459, 1559, 1585
Knoxville Iron Co. v. Harbison (183 U. S. 13)	209	Koons v. Lucas (52 Iowa, 177; 3 N. W. 84)	1820
Knoxville Water Co. v. Knoxville (189 U. S. 434, aff'g 107 Tenn. 647; 64 S. W. 1075)	2238, 2245	Koontz v. District of Columbia (24 App. D. C. 59)	2918, 3025, 3026
— v. Knoxville (200 U. S. 22)	1971, 2142, 2159, 2161, 2165, 2166, 2191, 2239	— v. Hancock (64 Md. 134; 20 Atl. 1039)	842
Knudsen v. Muskegon (158 Mich. 185; 122 N. W. 519)	2820	Kopf v. Utter (101 Pa. St. 27)	1889, 1890, 1897
Knupfle v. Knickerbocker Ice Co. (84 N. Y. 488)	2985	Kopper v. Yonkers (110 N. Y. App. Div. 747; 97 N. Y. Supp. 425)	2966, 2998, 3016
Kobs v. Minneapolis (22 Minn. 159)	2901, 2902, 3038, 3053, 3056	Koppikus v. State Capitol Commissioners (16 Cal. 248)	354, 1670
Koch v. Ashland (83 Wis. 361; 53 N. W. 674)	2822	Korah v. Ottawa (32 Ill. 121; 83 Am. Dec. 255)	1833, 1834, 1848
— v. Ashland (88 Wis. 603; 60 N. W. 990)	2967, 3002	Korff v. Green (16 How. Pr. [N. Y.] 140)	2773
— v. Milwaukee (89 Wis. 220; 62 N. W. 918)	1190	Kornder v. Kings County Elev. R. Co. (41 N. Y. App. Div. 357; 58 N. Y. Supp. 518)	1967
— v. New York (152 N. Y. 72; 46 N. E. 170)	169, 728	Kosciusko v. Slomberg (68 Miss. 469; 9 So. 297; 12 L. R. A. 528; 24 Am. St. Rep. 281)	1009, 1031
— v. North Ave. R. Co. (75 Md. 222; 23 Atl. 463)	2006	Koshkonong v. Burton (104 U. S. 668)	1376
— v. State (53 Ohio St. 433; 41 N. E. 689)	972		
— v. Williamsport (195 Pa. St. 488; 46 Atl. 67)	3012		

[References are to pages]

- Kosmak v. New York** (117 N. Y. 361; 22 N. E. 945) 3048
- Kossman v. St. Louis** (153 Mo. 293; 54 S. W. 513) 2973
- Koster v. Coyne** (110 N. Y. App. Div. 742; 97 N. Y. Supp. 433) 322
- Kountze v. Omaha** (5 Dillon C. C. R. 443) 2425
- Kraft v. Weehawken Board of Education** (67 N. J. L. 512; 51 Atl. 483) 459, 1222
- Kramer v. Los Angeles** (147 Cal. 668; 82 Pac. 334) 1632, 1815, 1816, 2614, 3042, 3055
- **v. Southern R. Co.** (127 N. Car. 328; 37 S. E. 468; 52 L. R. A. 359) 3029
- Kramrath v. Albany** (127 N. Y. 575; 28 N. E. 400, aff'g 53 Hun [N. Y.] 206; 6 N. Y. Supp. 54) 463, 1184, 1185
- Kranz v. Baltimore** (64 Md. 491; 2 Atl. 908) 1711, 3053, 3055
- Krause v. El Paso** (101 Tex. 211; 106 S. W. 121; 14 L. R. A. n. s. 582; 130 Am. St. Rep. 831) 1736, 1764
- **v. El Paso** ([Tex. Civ. App.], 101 S. W. 828) 1903
- **v. Sacramento** (48 Cal. 221) 3022
- Krebs v. Heitmann** (104 N. Y. App. Div. 173; 94 N. Y. Supp. 542) 2985
- Kreigh v. Chicago** (86 Ill. 407) 1804, 1847
- Kreigor v. Shelby R. Co.** (84 Ky. 66) 2317
- Kreitz v. Behrensmeyer** (149 Ill. 496; 36 N. E. 983; 24 L. R. A. 59) 748
- Kretzschmar v. Meehan** (74 Minn. 211; 77 N. W. 41) 441
- Krickle v. Commonwealth** (1 B. Mon. [Ky.] 361) 982, 985
- Krieschel v. Snohomish County** (12 Wash. 428; 41 Pac. 186) 2768
- Kriseler v. Le Valley** (122 Mich. 576; 81 N. W. 580) 680
- Kroffe v. Springfield** (86 Mo. App. 530) 1191
- Kronsbein v. Rochester** (76 N. Y. App. Div. 494; 78 N. Y. Supp. 813) 368, 399, 405
- Krueger v. Chesilhurst** (64 N. J. Law, 523; 45 Atl. 780) 792
- **v. Jenkins** (59 Neb. 641; 81 N. W. 844) 1899, 1900
- **v. Wisconsin Tel. Co.** (106 Wis. 96; 81 N. W. 1041) 1928, 1929
- Kruger v. Constable** (116 Fed. Rep. 722) 1690, 1715, 1736
- Krumenaker v. Dougherty** (74 N. Y. App. Div. 452; 77 N. Y. Supp. 467) 2222
- Kuback, Ex parte** (85 Cal. 274; 24 Pac. 737) 210
- Kucera v. West Chicago Park Com'rs** (221 Ill. 488; 77 N. E. 912) 258
- Kucheman v. Chicago, C. & D. R. Co.** (46 Iowa, 366) 2010, 2012
- Kuechenmeister v. Brown** (1 N. Y. App. Div. 56; 37 N. Y. Supp. 95) 3028, 3029
- Kuehn v. Milwaukee** (92 Wis. 263; 65 N. W. 1030) 2882, 2900, 3026
- Kuehner v. Freeport** (143 Ill. 92; 32 N. E. 372; 17 L. R. A. 774) 2504, 2547, 2551, 2566, 2591
- Kuester v. Chicago** (187 Ill. 21; 58 N. E. 307) 2453
- Kuhl v. St. Bernard Rend. & Fert. Co.** (117 La. 86; 41 So. 361) 1868
- Kuhls v. Laredo** ([Tex. Civ. App.], 27 S. W. 791) 423
- Kuhn v. Port Townsend** (12 Wash. 605; 41 Pac. 923; 29 L. R. A. 445; 50 Am. St. Rep. 911) 121, 621
- Kumler v. San Bernardino County** (103 Cal. 393; 37 Pac. 383) 288, 322
- **v. Silsbee** (38 Ohio St. 445) 1782
- Kundinger v. Saginaw** (59 Mich. 355; 26 N. W. 634) 1124, 1641, 1648, 1649
- **v. Saginaw** (132 Mich. 395; 93 N. W. 914) 1213, 1222
- Kunkle v. Franklin** (13 Minn. 127; 97 Am. Dec. 226) 568
- Kuns v. Robertson** (154 Ill. 394; 40 N. E. 343) 655, 656
- Kunz v. School District** (11 S. Dak. 578; 79 N. W. 844) 1363
- **v. Troy** (104 N. Y. 344; 10 N. E. 442; 58 Am. Rep. 508) 3016
- Kupfer v. South Parish in Augusta** (12 Mass. 185) 848
- Kurlanchick v. Sklamberg** (56 N. Y. Misc. 473; 107 N. Y. Supp. 117) 1861, 1862
- Kurtz v. Knapp** (127 Mo. App. 608; 106 S. W. 537) 1152
- Kyes v. St. Croix County** (108 Wis. 136; 83 N. W. 637) 422, 1460
- Kyle v. Malin** (8 Ind. 34) 453, 524, 1646, 2400, 2595
- Kynaston v. Shrewsbury** (2 Stra. 1051) 828
- Kyne v. Wilmington & N. R. Co.** (8 Houst. [Del.] 185; 14 Atl. 922) 2076

[References are to pages]

- Laager *v.* San Antonio ([Tex. Civ. App.], 57 S. W. 61) 1999, 3034  
 Laakmann *v.* Pritchard (160 Ind. 24; 66 N. E. 153) 2489  
 Labarre *v.* New Orleans (106 La. 458; 30 So. 891) 2960, 2985  
 Labette County *v.* Moulton (112 U. S. 217) 2680, 2694, 2714, 2718  
 La Bounty *v.* Seattle (46 Wash. 141; 89 Pac. 480) 1720, 1737  
 Labourdette *v.* Municipality (2 La. An. 527) 827, 851  
 Labrake, Matter of (29 N. Y. Misc. 87; 60 N. Y. Supp. 571) 564, 1247  
 Labry *v.* Gilmour (121 Ky. 367; 89 S. W. 231) 1867  
 Lacey, *Ex parte* (108 Cal. 326; 41 Pac. 411; 38 L. R. A. 640; 49 Am. St. Rep. 93) 1646  
 Lachance *v.* Mackinac County Board of Canvassers (157 Mich. 679; 122 N. W. 271) 2668, 2731  
 Lackawanna Township (160 Pa. 494) 621  
 Lackey *v.* Fayetteville Water Co. (80 Ark. 108; 96 S. W. 622) 950, 986, 2115, 2132, 2134, 2149, 2152, 2153, 2248  
 Lackland *v.* North Mo. R. R. Co. (31 Mo. 180; s. c. 34 Mo. 259) 1757, 1991, 2000, 2010, 2021  
 Laclede Gas Light Co. *v.* Gas Consumers' Assoc. (127 Mo. App. 442; 106 S. W. 91) 2216  
 — *v.* Murphy (170 U. S. 78; s. c. 130 Mo. 10; 31 S. W. 594) 2060  
 LaClef *v.* Concordia (41 Kan. 323; 21 Pac. 272; 13 Am. St. Rep. 285) 2886  
 Lacon *v.* Page (48 Ill. 499) 2970, 2985  
 Laconia *v.* Gilman (55 N. H. 127) 1848  
 Lacoste *v.* New Orleans (119 La. 469; 44 So. 267) 1208  
 Lacour *v.* New York (3 Duer [N. Y.] 406) 2838, 2903, 2914, 3054  
 La Crosse City R. Co. *v.* Higbee (107 Wis. 389; 83 N. W. 701; 51 L. R. A. 923) 2005, 2006, 2007, 2009  
 Ladd *v.* Boston (170 Mass. 332; 49 N. E. 627; 40 L. R. A. 171) 2212, 2216  
 — *v.* East Portland (18 Oreg. 87; 22 Pac. 533) 910  
 — *v.* Gambell (35 Oreg. 393; 59 Pac. 113) 1388, 2503, 2565, 2567, 2576, 2623  
 — *v.* Holmes (40 Oreg. 167; 66 Pac. 714) 257, 259, 262, 275, 280, 287  
 — *v.* Jones (61 Ill. App. 584) 449, 2121  
 Ladd *v.* Philadelphia (171 Pa. 485; 33 Atl. 62) 2932  
 — *v.* Portland (32 Oreg. 271; 51 Pac. 654; 67 Am. St. Rep. 526) 2580, 2582  
 Lade *v.* Shepherd (2 Stra. 1004) 1694, 1699  
 Ladies' Seaman's Friend Soc. *v.* Halstead (58 Conn. 144; 19 Atl. 658) 483  
 Lafayette *v.* Allen (81 Ind. 166) 2885, 2895, 2903  
 — *v.* Blood (40 Ind. 62) 3030  
 — *v.* Bush (19 Ind. 326) 1657, 1662, 1821, 2924  
 — *v.* Cox (5 Ind. 38) 451, 453, 524, 546, 581  
 — *v.* Fowler (34 Ind. 140) 1820, 2498, 2580, 2581, 2584, 2586, 2789, 2924  
 — *v.* Jenners (10 Ind. 74) 97, 129, 333, 1768, 1801  
 — *v.* Larson (73 Ind. 367) 3015  
 — *v.* Male Orphan Asylum (4 La. An. 1) 2574  
 — *v.* Nagle (113 Ind. 425; 15 N. E. 1) 2925  
 — *v.* Schultz (44 Ind. 97) 1652, 1655  
 — *v.* Spencer (14 Ind. 399) 2924  
 — *v.* Timberlake (88 Ind. 330) 2884, 2904  
 — *v.* Wortman (107 Ind. 404; 8 N. E. 277) 1822, 2922, 2924, 2936  
 Lafayette & I. R. Co. *v.* Smith (6 Ind. 249) 1659, 1662  
 Lafayette County *v.* Wonderly (92 Fed. Rep. 313) 2695, 2707  
 Lafayette Ins. Co. *v.* French (18 How. [U. S.] 404) 2353  
 Lafayette, M. & B. R. R. Co. *v.* Geiger (34 Ind. 185) 127, 293, 575  
 Lafferty *v.* Schuylkill R. E. S. R. Co. (124 Pa. 297; 16 Atl. 869; 3 L. R. A. 124; 10 Am. St. Rep. 587) 2028  
 Lafitte *v.* New Orleans (52 La. An. 2099; 28 So. 327) 1716, 1736, 1892, 1897  
 Lafon *v.* Dufrocq (9 La. An. 350) 137, 1118  
 La France Engine Co. *v.* Syracuse (33 N. Y. Misc. 516; 68 N. Y. Supp. 894) 1192, 1197, 1219  
 La France Fire Engine Co. *v.* Davis (9 Wash. 600) 432, 1302, 1303  
 La Grange *v.* State Treasurer (24 Mich. 466) 866  
 — *v.* Troup County (132 Ga. 384; 64 S. E. 267) 2577  
 Lagrange County *v.* Rogers (55 Ind. 297) 1578

[References are to pages]

- Lahar v. Eldridge** (190 Mass. 504; 77 N. E. 635) 803
- La Harpe v. Elm Township Gas Co.** (69 Kan. 97; 76 Pac. 448) 196, 1770, 1916, 1932, 2063, 2137
- Lahey v. Partridge** (174 N. Y. 526; 66 N. E. 1107, rev'g 78 N. Y. App. Div. 199; 79 N. Y. Supp. 724) 710
- Lahner v. Williams** (112 Iowa, 428; 84 N. W. 507) 2883
- Lahr v. Metropolitan Elev. R. Co.** (104 N. Y. 268; 10 N. E. 528) 1694, 1771, 1772, 1773, 1778, 1781, 1792, 1794, 1797, 1859, 1883, 1943, 1993, 2000, 2001, 2025, 2034, 2036, 2038, 2045, 2935
- Laing v. Americus** (86 Ga. 756; 13 S. E. 107) 1869
- **v. United N. J. R. & C. Co.** (54 N. J. L. 576; 25 Atl. 409; 33 Am. St. Rep. 682) 1897
- Laird v. De Sota** (22 Fed. Rep. 421) 444, 597, 599
- **v. De Soto** (25 Fed. Rep. 76) 2678
- **v. Pittsburg** (205 Pa. 1; 54 Atl. 324; 61 L. R. A. 332) 1749
- Lake v. Aberdeen** (57 Miss. 260) 1039, 1047
- **v. Decatur** (91 Ill. 596) 2548, 2585
- **v. Florida** (18 Fla. 501) 133
- **v. Williamsburgh** (4 Denio [N. Y.] 520) 544, 1157, 1250, 1297, 1304, 2628
- Lake Charles v. Calcasieu Parish Police Jury** (50 La. An. 346; 23 So. 376) 618
- **v. Roy** (115 La. 939; 40 So. 1362) 308, 1111
- Lake Charles Ice, L. & Water Works Co. v. Lake Charles** (106 La. 65; 30 So. 289) 2113, 2114, 2131
- Lake City v. Fulkerson** (122 Iowa, 569; 98 N. W. 376) 1845
- Lake County v. Graham** (130 U. S. 674) 342, 346, 353, 387, 391, 392, 402, 1446, 1447, 1449, 1450, 1454, 1455, 1457, 1531
- **v. Keene Five Cent Sav. Bank** (108 Fed. Rep. 505) 379, 1294
- **v. Linn** (29 Colo. 446; 68 Pac. 839) 438, 1398
- **v. Platt** (79 Fed. Rep. 567) 379, 406, 1397, 1492, 1496, 1507
- **v. Rollins** (130 U. S. 662) 353, 363, 1442
- **v. Schradsky** (43 Colo. 84; 95 Pac. 312) 2674, 2707
- **v. Standley** (24 Colo. 1; 49 Pac. 23) 379, 380, 381, 386, 403, 405, 438, 1294
- Lake County v. Sutliff** (97 Fed. Rep. 270) 404, 1453, 1454, 1457, 1475
- Lake County W. & L. Co. v. Walsh** (160 Ind. 32; 65 N. E. 530; 98 Am. St. Rep. 264) 1584, 2128
- Lake Erie & W. R. Co. v. Alexandria** (153 Ind. 521; 55 N. E. 435) 618, 620
- **v. Bowker** (9 Ind. App. 428; 36 N. E. 864) 2587
- **v. Kokoma** (130 Ind. 224; 29 N. E. 780) 1613, 1614
- **v. Purcell** (75 Ill. App. 573) 2018
- **v. Scott** (132 Ill. 429; 24 N. E. 78; 8 L. R. A. 330) 2018, 2939
- Lake Erie, W. & St. L. R. Co. v. Heath** (9 Ind. 558) 1670
- Lake Pleasanton Water Co. v. Contra Costa Water Co.** (67 Cal. 659; 8 Pac. 501) 1633, 1919
- Lake Roland Elev. R. Co. v. Baltimore** (77 Md. 352; 26 Atl. 510; 20 L. R. A. 126) 464, 2061, 2064
- Lake Shore & M. S. R. Co. v. Chicago** (56 Ill. 454) 2404
- **v. Chicago** (144 Ill. 391; 33 N. E. 602) 1223
- **v. Chicago** (148 Ill. 509; 37 N. E. 88) 1616
- **v. Elyria** (69 Ohio St. 414; 69 N. E. 738) 2064
- **v. Grand Rapids** (102 Mich. 374; 60 N. W. 767; 29 L. R. A. 195) 2312, 2449, 2503, 2572, 2576, 2589
- **v. Ohio** (165 U. S. 365) 498
- **v. Powers** (138 Fed. Rep. 257) 2368
- **v. Sharpe** (38 Ohio St. 150) 1616
- **v. Smith** (173 U. S. 684) 2226, 2248
- **v. Whiting** (161 Ind. 76; 67 N. E. 933) 1798
- Lake Shore Foundry v. Cleveland** (8 Ohio Cir. Ct. 671) 1214
- Lake St. El. R. Co. v. Chicago** (183 Ill. 75; 55 N. E. 721; 47 L. R. A. 624) 2591, 2592
- Lake Superior Land Co. v. Emerson** (38 Minn. 406; 38 N. W. 200; 8 Am. St. Rep. 679) 487
- Lake View v. Le Bahn** (120 Ill. 92; 9 N. E. 269) 1716, 1736
- **v. Letz** (44 Ill. 81) 1034, 1035
- **v. Miller** (25 Mich. 274) 3003
- **v. Rose Hill Cem. Co.** (70 Ill. 191; 22 Am. Rep. 71) 1034
- **v. Tate** (130 Ill. 247; 22 N. E. 791; 6 L. R. A. 268) 925, 930, 941, 942, 943
- Lake View School Trustees v. People, etc.** (87 Ill. 303) 925



[References are to pages]

- Lakin v. Ames* (10 Cush. [Mass.] 198) 621, 627  
*La Londe v. Peake* (82 Minn. 124; 84 N. W. 726) 2969  
*Lamar v. Weidman* (57 Mo. App. 507) 925, 928, 929, 986, 1081, 1082  
*Lamar County v. Clements* (49 Tex. 347) 1703, 1706, 1709, 1716, 1718, 1747  
*Lamar Water & E. L. Co. v. Lamar* (128 Mo. 188; 26 S. W. 1025; 31 S. W. 756; 32 L. R. A. 157) 362, 416, 419, 2505  
 — *v. Lamar* (140 Mo. 145; 39 S. W. 768) 2297  
*Lamb v. Cain* (129 Ind. 486; 29 N. E. 13; 14 L. R. A. 518) 655, 656  
 — *v. Cedar Rapids* (108 Iowa, 629; 79 N. W. 366) 2975  
 — *v. Connolly* (122 N. Y. 531; 25 N. E. 1042) 2366  
 — *v. Elizabeth City* (131 N. Car. 241; 42 S. E. 603) 1679  
 — *v. Lane* (4 Ohio St. 167) 1668  
 — *v. Lynd* (44 Pa. St. 336) 650, 652, 727, 2663, 2664, 2665  
 — *v. Shays* (14 Iowa, 567) 1587  
*Lambar v. St. Louis* (15 Mo. 610) 3041  
*Lambert v. Rahway* (58 N. J. L. 578; 34 Atl. 5) 953, 956, 957, 959  
*Lambertville v. Applegate* (73 N. J. L. 110; 62 Atl. 270) 462, 955  
*Lamborn v. Dickinson County* (97 U. S. 181) 2828, 2829, 2830, 2834, 2835  
*Lamm v. Chicago, St. P. M. & O. R. Co.* (45 Minn. 71; 41 N. W. 455; 10 L. R. A. 268) 1993, 2013  
 — *v. Danville* (221 Ill. 119; 77 N. E. 422) 1107  
*Lammert v. Lidwell* (62 Mo. 188; 21 Am. Rep. 411) 108, 616  
*Lamoille Val. R. Co. v. Fairfield* (51 Vt. 257) 1416, 1516, 1537  
*Lamoureux v. Morin* (72 N. H. 76; 54 Atl. 1023) 678  
*Lampasas v. Talcott* (94 Fed. Rep. 457) 843  
*Lampe v. San Francisco* (124 Cal. 546; 57 Pac. 461, 1001) 3038, 3044  
*Lamprecht v. Williamsport* (22 Pa. Co. Ct. Rep. 603) 1399  
*Lamson v. Marshall* (133 Mich. 250; 95 N. W. 78) 1236, 1243  
*Lancaster v. Arnold* (20 Ky. Law Rep. 34; 45 S. W. 82) 730  
 — *v. Briggs* (118 Mo. App. 570; 96 S. W. 314) 1930, 1957  
 — *v. Du Hadway* (97 Ind. 565) 2485  
 — *v. Frescoln* (192 Pa. 452; 43 Atl. 961) 1265, 1268, 1271  
 — *v. Frescoln* (203 Pa. 640; 53 Atl. 508) 1268  
*Lancaster v. Miller* (58 Ohio St. 558; 51 N. E. 52) 1178, 1193, 1219  
 — *v. Richardson* (4 Lansing [N. Y.] 136) 1098  
 — *v. Walsh* (4 M. & W. 16) 552  
 — *v. Walter* ([Ky.], 80 S. W. 189) 2985, 3001  
*Lancaster Canal Co. v. Parnaby* (11 A. & E. 222) 2907  
*Lancaster County v. Brinthall* (29 Pa. 38) 1888  
*Lancaster Highway Com'rs v. Baumgarten* (41 Ill. 254) 1798, 1799  
*Lancaster School Dist. v. Robinson-Humphrey Co.* (64 So. Car. 545; 42 S. E. 998) 348  
*Lance's Appeal* (55 Pa. St. 16; 93 Am. Dec. 722) 1646  
*Lancey v. Bryant* (30 Me. 466) 890  
*Lancy v. Boston* (185 Mass. 219; 70 N. E. 88) 1650  
 — *v. Boston* (186 Mass. 128; 71 N. E. 302) 2432  
*Land v. Coffman* (50 Mo. 243) 1580  
*Landau v. City of New York* (180 N. Y. 48; 72 N. E. 631; 105 Am. St. Rep. 709, rev'g] 93 N. Y. App. Div. 613; 87 N. Y. Supp. 1139; s. c. 90 N. Y. App. Div. 50; 85 N. Y. Supp. 616) 919, 1865, 2981  
*Land Co. v. Jellico* (103 Tenn. 320; 52 S. W. 995) 1187  
*Lander v. Burke* (65 Ohio St. 532; 63 N. E. 69) 2444  
 — *v. McMillan* (8 Jones L. [N. Car.] 174) 2720  
 — *v. Mercantile Bank* (186 U. S. 458) 2366  
 — *v. Smithfield School Dist.* (33 Me. 239) 830  
*Landers v. Staten Island R. Co.* (53 N. Y. 450) 1118, 1133  
*Landes v. State* (160 Ind. 479; 67 N. E. 189) 854, 869, 949, 950  
 — *v. Walls* (160 Ind. 217; 66 N. E. 679) 654, 843  
*Landis v. Ashworth* (57 N. J. L. 509; 31 Atl. 1017) 329  
 — *v. Hamilton* (77 Mo. 554) 1709  
*Land, Log & Lumber Co. v. Brown* (73 Wis. 294; 40 N. W. 482) 2425  
 — *v. McIntyre* (100 Wis. 245; 75 N. W. 964) 2785  
*Landolt v. Norwich* (37 Conn. 615) 2967, 2968  
 — *v. Norwich* (6 Am. L. Reg. n. s. 383) 2993  
*Landon v. Syracuse* (19 N. Y. App. Div. 41; 46 N. Y. Supp. 1053, aff'd 163 N. Y. 562; 57 N. E. 1114) 2358



## TABLE OF CASES CITED

227

[References are to pages]

- Lane, Ex parte* (76 Cal. 587; 18 Pac. 677) 971, 980, 1109, 1112, 1131
- *v. Boston* (125 Mass. 519) 2922
- *v. Concord* (70 N. H. 485; 49 Atl. 689; 85 Am. St. Rep. 643) 986
- *v. Cotton* (1 Salk. 17) 776
- *v. Crombie* (12 Pick. [Mass.] 177) 2972
- *v. District Township* (58 Iowa, 462; 12 N. W. 478) 2889
- *v. Embden* (72 Me. 354) 1422, 1464
- *v. Hancock* (142 N. Y. 510; 37 N. E. 473) 770
- *v. Hunt County* (13 Tex. Civ. App. 315; 35 S. W. 10) 1290
- *v. Kennedy* (13 Ohio St. 42) 1887, 1891
- *v. Lamke* (53 N. Y. App. Div. 395; 65 N. Y. Supp. 1090) 1096, 1097
- *v. Lewiston* (91 Me. 292; 39 Atl. 999) 2977
- *v. New Haven Harbor Com'rs* (70 Conn. 685; 40 Atl. 1058) 498, 500, 501, 503
- *v. Otis* (68 N. J. L. 64; 52 Atl. 305) 2732
- *v. Otis* (68 N. J. L. 656; 54 Atl. 442) 274, 278, 327, 656
- *v. Saginaw* (53 Mich. 442; 19 N. W. 137) 1646
- *v. Schomp* (20 N. J. Eq. 82) 2753
- *v. Sewell* (1 Chitty, 175) 741
- *v. Springfield* (120 Ill. App. 5) 1112
- *v. Syracuse* (12 N. Y. App. Div. 118; 42 N. Y. Supp. 219) 3014
- *v. Weymouth School Dist.* (10 Met. [Mass.] 462) 1193
- *v. Woodbury* (58 Iowa, 462; 12 N. W. 478) 2856
- Lane County v. Oregon* (7 Wall. [U. S.] 71) 2315, 2478
- Lanfear v. New Orleans* (4 La. 97; 23 Am. Dec. 477) 958
- Langan v. Atchison* (35 Kan. 318; 11 Pac. 38; 57 Am. Rep. 165) 2987
- Langdon v. Castleton* (30 Vt. 285) 733, 1244, 1246, 1319
- *v. New York* (93 N. Y. 129) 191, 475, 480, 481, 487, 489, 490, 501, 504, 513, 1760
- *v. New York* (92 N. Y. 427) 805
- *v. New York Fire Dept.* (17 Wend. [N. Y.] 234) 2457
- Lange, Matter of* (85 N. Y. 307) 2608
- *v. La Crosse & E. R. Co.* (118 Wis. 558; 95 N. W. 952) 2011
- Lange Co, In re* (159 Fed. Rep. 586) 2480
- Langhorne v. Robinson* (20 Gratt. [Va.] 661) 2317
- Langley v. Augusta* (118 Ga. 590; 45 S. E. 486; 98 Am. St. Rep. 133) 1816, 1896, 2820, 2874, 2877, 3042
- *v. Gallipolis* (2 Ohio St. 107) 1751, 1752, 1754
- Langmaid v. Reed* (159 Mass. 409; 34 N. E. 593) 1050
- Langsdale v. Bonton* (12 Ind. 467) 883, 884, 885
- Langston, In re* (55 Neb. 310; 75 N. W. 828) 986
- Langworthy v. Dubuque* (13 Iowa, 86) 2429
- *v. Dubuque* (16 Iowa, 271) 2429
- Lanier v. Macon* (59 Ga. 187) 2475
- Lansdowne v. Citizens' Elect. L. & P. Co.* (206 Pa. 188; 55 Atl. 919) 900, 1172, 2134
- Lansing v. County Treas.* (1 Dillon C. C. 522) 193, 597, 2403, 2695, 2699, 2724
- *v. Smith* (4 Wend. [N. Y.] 9; 21 Am. Dec. 89; 8 Cow. [N. Y.] 146) 475, 479, 487, 513
- *v. Toolan* (37 Mich. 152) 2865, 2914, 2964, 3011
- *v. Van Gorder* (24 Mich. 456) 368, 1250, 2652
- Lantz v. Hightstown* (46 N. J. L. 102) 867
- La Plaisance Bay Harbor Co. v. Monroe* (Walk. Ch. [Mich.] 155) 486
- La Plata County v. Hampson* (24 Colo. 127; 48 Pac. 1101) 346
- *v. Morgan* (28 Colo. 322; 65 Pac. 41) 1291
- La Pointe v. O'Malley* (46 Wis. 35; 50 N. W. 521) 684
- Laporte v. Gamewell Fire Alarm Tel. Co.* (146 Ind. 466; 45 N. E. 588; 35 L. R. A. 686) 350, 351, 358, 362, 364, 368
- Laramie County v. Albany County* (92 U. S. 307) 144, 154, 618, 625, 626, 627, 629, 2501, 3007
- Laredo v. International Bridge & T. Co.* (30 U. S. App. 110) 517
- *v. Macdonnell* (52 Tex. 511) 1192
- *v. Martin* (52 Tex. 548) 517
- *v. Nalle* (65 Tex. 159) 472
- Larimer & L. St. R. Co. v. Larimer St. R. Co.* (137 Pa. 533; 20 Atl. 570) 1993
- Larkin v. Boston* (128 Mass. 521) 2820
- *v. Burlington, C. R. & N. R. Co.* (85 Iowa, 492; 52 N. W. 480) 946, 1091
- *v. Burlington, C. R. & N. R. Co.* (91 Iowa, 654; 60 N. W. 195) 948

[References are to pages]

- Larkin v. Saginaw County* (11 Mich. 88; 82 Am. Dec. 63) 2852, 2857, 2865, 2914, 2950  
 — *v. Scranton* (162 Pa. 289; 29 Atl. 910) 1682  
*Larmon v. District of Columbia* (5 Mackey, 330) 3015  
*Larned v. Briscoe* (62 Mich. 393; 29 N. W. 22) 774, 876, 2875, 2883, 2920  
 — *v. Syracuse* (17 N. Y. App. Div. 19; 44 N. Y. Supp. 857) 1209  
*Laroe v. Northampton St. R. Co.* (189 Mass. 254; 75 N. E. 255) 1821, 2947  
*La Rosa v. New Orleans* (4 La. 24) 1076  
*Larrabee v. Cloverdale* (131 Cal. 96; 63 Pac. 143) 3037  
 — *v. Peabody* (128 Mass. 561) 2887, 3032  
*Larson v. Grand Forks* (3 Dak. 307; 19 N. W. 414) 2987  
 — *v. Hamilton County* (123 Iowa, 485; 99 N. W. 133) 2485  
*Larue v. Farren Hotel Co.* (116 Mass. 67) 3031  
*Lasala v. Holbrook* (4 Paige [N. Y.] 169; 25 Am. Dec. 524) 2933  
*La Salle v. Evans* (111 Ill. App. 69) 2965  
*La Salle County v. Simmons* (10 Ill. 513) 765, 2829, 2833  
*Las Anamas Co. v. Bond* (3 Colo. 411) 469, 470  
*Lasbury v. McCague* (56 Neb. 220; 76 N. W. 862) 2489, 2563  
*La Societa Italiana v. San Francisco* (131 Cal. 169; 63 Pac. 174) 1758  
*Lassen County v. Cone* (72 Cal. 387; 14 Pac. 100) 2476  
 — *v. Shinn* (88 Cal. 510; 26 Pac. 365) 1245  
*Lates v. Briggs* (64 N. Y. 404) 2627  
*Latham v. People* (95 Ill. App. 528) 2734  
 — *v. Richards* (12 Hun [N. Y.] 360; appeal dismissed, 72 N. Y. 607) 2777, 2779, 2780  
 — *v. Richards* (15 Hun [N. Y.] 129) 2781  
 — *v. Wilmette* (168 Ill. 153; 48 N. E. 311) 1261, 2453, 2623  
*Lathers v. Keogh* (109 N. Y. 583; 17 N. E. 131) 2489  
*Lathrop v. Bank of Scioto* (8 Dana [Ky.] 114; 33 Am. Dec. 481) 630  
 — *v. Central Iowa R. Co.* (69 Iowa, 105; 28 N. W. 465) 1838, 2068  
 — *v. Morristown* (67 N. J. L. 247; 51 Atl. 852) 989  
*Lathrop v. Racine* (119 Wis. 461; 97 N. W. 192) 489, 2543  
 — *v. State* (6 Blackf. [Ind.] 502) 773  
*Latonia v. Hopkins* (104 Ky. 419; 47 S. W. 248) 620, 2427, 2429  
 — *v. Latonia Agric. Assoc.* ([Ky.], 109 S. W. 356) 1744  
 — *v. Meyer* ([Ky.], 86 S. W. 686) 2408  
*Latrobe, The F. C.* (28 Fed. Rep. 377) 1589  
*Lattime v. Hunt* (196 Mass. 261; 81 N. E. 1001) 2672  
*Lauenstein v. Fond du Lac* (28 Wis. 336) 462, 1561  
*Lauer v. Baltimore* (110 Md. 447; 73 Atl. 162) 2445  
*Laugel v. Bushnell* (197 Ill. 20; 63 N. E. 1086, aff'g 96 Ill. App. 618) 1018, 1044, 1045, 1046  
*Laughlin v. Santa Fe County* (3 N. Mex. 420; 5 Pac. 817) 2768  
 — *v. Washington* (63 Iowa, 652; 19 N. W. 819) 1731  
*Lauder v. Chicago* (111 Ill. 291; 53 Am. Rep. 625) 999  
*Laundry License Case* (22 Fed. Rep. 701) 922, 998, 1004  
*Launtz v. People* (113 Ill. 137; 55 Am. Rep. 405) 665, 679, 827, 854, 869  
*Laurel v. Blue* (1 Ind. App. 128; 27 N. E. 301) 2884  
 — *v. Rowell* (84 Miss. 435; 36 So. 543) 1839, 1841  
*Laurium v. Mills* (129 Mich. 536; 89 N. W. 362) 684  
*Lavalle v. People* (68 Ill. 252) 2745  
*Laver v. McGlachlin* (28 Wis. 364) 842  
*Laverdure v. New York* (28 N. Y. App. Div. 65; 50 N. Y. Supp. 882) 3000, 3020  
*Lavery v. Hannigan* (52 N. Y. Super. Ct. 463) 1791  
*Lavigne v. New Haven* (75 Conn. 693; 55 Atl. 569) 2815  
*Law v. Crombie* (12 Pick. [Mass.] 176) 3003  
 — *v. Dodd* (1 Ex. 845) 559  
 — *v. People* (87 Ill. 385) 342, 346, 351, 353, 354, 355, 356, 367, 438, 537, 1339, 2772  
 — *v. San Francisco* (144 Cal. 384; 77 Pac. 1014) 431, 654, 660, 662, 1361, 1380, 1382, 1384, 1385  
*Lawe v. Kaukauna* (70 Wis. 306; 35 N. W. 561) 1702  
*Lawhorne, In re* (18 Gratt. [Va.] 85) 719  
*Lawrence, In re* (69 Cal. 608; 11 Pac. 217) 1022

## TABLE OF CASES CITED

229

[References are to pages]

<b>Lawrence v. Boston</b> (119 Mass. 126) 1674	<b>Lazenby v. Civil Service Com'rs</b> (116 N. Y. App. Div. 135; 101 N. Y. Supp. 5) 692, 693
— <b>v. Davis</b> (8 Kan. App. 225; 55 Pac. 492) 2960	— <b>v. Elmira Board of Police</b> (76 N. Y. App. Div. 171; 78 N. Y. Supp. 302) 761, 805
— <b>v. Fairhaven</b> (5 Gray [Mass.] 110) 2916, 3037	<b>Lea v. Hernandez</b> (10 Tex. 137) 590
— <b>v. Great Northern R. Co.</b> (16 Q. B. 643) 2918	— <b>State</b> (10 Lea [Tenn.] 478) 598
— <b>v. Hedger</b> (3 Taunt. 14) 676	<b>Leach v. Cargill</b> (60 Mo. 316) 449, 2451, 2585
— <b>v. Ingersoll</b> (88 Tenn. 52; 12 S. W. 422; 6 L. R. A. 308; 17 Am. St. Rep. 870) 856, 2671	— <b>v. Ellwood</b> (3 Ill. App. 453) 1103
— <b>v. Jefferson Par. Pol. Jury</b> (35 La. An. 601) 1703	— <b>v. People</b> (122 Ill. 420; 12 N. E. 726) 843
— <b>v. Killam</b> (11 Kan. 499) 1139, 1144, 1812, 2529	— <b>v. Woodbury</b> (75 N. Y. App. Div. 503; 78 N. Y. Supp. 362) 711
— <b>v. Nahant</b> (136 Mass. 477) 1815, 1826	<b>Leadville v. Bohn Min. Co.</b> (37 Colo. 248; 86 Pac. 1038; 8 L. R. A. N. s. 422) 1687, 1692
— <b>v. People</b> (188 Ill. 407; 58 N. E. 991) 2629	— <b>v. Coronada Min. Co.</b> (37 Colo. 234; 86 Pac. 1034, modf'g s. c. 29 Colo. 17; 67 Pac. 289) 1686, 1687, 1690, 1699
— <b>v. Traner</b> (136 Ill. 474; 27 N. E. 197) 866	<b>Leadville Ill. Gas Co. v. Leadville</b> (9 Colo. App. 400; 49 Pac. 288) 2294
<b>Lawrenceburg v. Wuest</b> (16 Ind. 337) 971, 996	<b>Leadville Water Co v. Leadville</b> (22 Colo. 297; 45 Pac. 362) 2239, 2248, 2288
<b>Lawrenceburgh v. Wesler</b> (10 Ind. App. 153; 37 N. E. 956) 1702	<b>Leake v. Lacey</b> (95 Ga. 747; 22 S. E. 655; 51 Am. St. Rep. 112) 469
<b>Lawrence County v. Chateroi R. Co.</b> (81 Ky. 225) 63	— <b>v. Philadelphia</b> (150 Pa. 643; 24 Atl. 351) 2559
— <b>v. Jewell</b> (100 Fed. Rep. 905) 379, 384	— <b>v. Philadelphia</b> (171 Pa. 125; 32 Atl. 1110) 2559
— <b>v. Leonard</b> (83 Pa. 206) 1578	<b>Lear, v. Halstead</b> (41 Ohio St. 566) 2604
— <b>v. Mead County</b> (10 S. Dak. 175; 72 N. W. 405) 380	<b>Learned v. Burlington</b> (2 Am. Law Reg. 394) 582, 2456
<b>Lawrence R. Co. v. Mahoning County</b> (35 Ohio St. 1) 1891	<b>Leary v. Orange</b> (59 N. J. L. 350; 35 Atl. 786) 804
— <b>v. Williams</b> (35 Ohio St. 168) 1975, 2011	— <b>v. Yonkers</b> (95 N. Y. App. Div. 126; 88 N. Y. Supp. 829) 2987
<b>Lawson v. Railroad Co.</b> (30 Wis. 597) 570	<b>Lease v. Freeborn</b> (52 Kan. 750; 35 Pac. 817) 792
— <b>v. Scott</b> (1 Yerg. [Tenn.] 92) 2792	<b>Leathers v. Aiken</b> (9 Fed. Rep. 679) 474
— <b>v. Seattle</b> (6 Wash. 184; 33 Pac. 347) 2895	— <b>v. Springfield</b> (65 Mo. 504) 1230
<b>Lawton v. Cambridge</b> (2 Caines [N. Y.] 179) 1135, 2731, 2792	<b>Leavell v. Western Ky. Asylum</b> (122 Ky. 213; 91 S. W. 671; 4 L. R. A. N. s. 269, 671) 2896, 2904
— <b>v. Erwin</b> (9 Wend. [N. Y.] 233) 681	<b>Leavenworth v. Booth</b> (15 Kan. 627) 996, 998, 2354, 2378, 2470
— <b>v. Racine</b> (137 Wis. 593; 119 N. W. 331) 2601	— <b>v. Casey</b> (McCahon [Kan. Ter.] 124) 3040, 3047
— <b>v. Steele</b> (119 N. Y. 226; 23 N. E. 878; 16 Am. St. Rep. 813, aff'd 152 U. S. 133) 1043, 1045, 1047	— <b>v. Douglass</b> (59 Kan. 416; 53 Pac. 123) 1835, 1842
<b>Lay v. Adrian</b> (75 Mich. 438; 42 N. W. 959) 2814	— <b>v. Douglass</b> (3 Kan. App. 67; 44 Pac. 1099) 911
— <b>v. Wissman</b> (36 Iowa, 305) 1352	— <b>v. Jones</b> (69 Kan. 857; 77 Pac. 273) 2599
<b>Laycock v. Baton Rouge</b> (35 La. An. 475) 357, 423, 1155, 1169, 1180	— <b>v. Kinney</b> (99 U. S. 623) 2701
<b>Layman v. Beeler</b> (113 Ky. 221; 67 S. W. 995) 2947	— <b>v. Laing</b> (6 Kan. 274) 2576
<b>Layton v. New Orleans</b> (12 La. An. 515) 180, 618, 627, 629	
<b>Lazarus v. Toronto</b> (19 Up. Can. Q. B. 9) 1085	

[References are to pages]

- Leavenworth v. Leavenworth City & F. L. Water Co.* (69 Kan. 82; 76 Pac. 451) 232, 297, 2193, 2196  
 — *v. Mills* (6 Kan. 288) 1248, 1250  
 — *v. Norton* (1 Kan. 432) 582, 2399, 2400, 2456, 2775  
 — *v. Rankin* (2 Kan. 357) 1154, 1169, 1180, 1249, 1250  
 — *v. Smith* (5 Kan. App. 165; 48 Pac. 924) 2343  
 — *v. Stille* (13 Kan. 539) 1252  
 — *v. Wilson* (69 Kan. 74; 76 Pac. 400) 1380, 1382  
*Leavenworth Board of Education v. Phillips* (67 Kan. 549; 73 Pac. 97) 1358  
*Leavenworth County v. Barnes* (94 U. S. 70) 1420  
 — *v. Brewer* (9 Kan. 307) 740  
 — *v. Keller* (6 Kan. 510) 1294, 1296  
 — *v. Miller* (7 Kan. 479; 12 Am. Rep. 425) 347, 569  
 — *v. Sellew* (99 U. S. 624) 2701, 2725  
*Leavenworth & D. M. R. Co. v. Platte County* (42 Mo. 171) 466, 1534  
*Leavenworth, N. & S. R. Co. v. Meyer* (58 Kan. 305; 49 Pac. 89) 865  
*Leavitt v. Bell* (55 Neb. 57; 75 N. W. 524) 2455, 2489, 2596, 2609  
 — *v. Dover* (67 N. H. 94; 32 Atl. 156) 2861  
 — *v. Eastman* (77 Me. 117) 881, 882  
*Leazure v. Hillegas* (7 Serg. & Rawle [Pa.] 313) 1581  
*Lebanon v. Edmonds* (101 Ky. 216; 40 S. W. 573) 2428  
 — *v. Gordon* (99 Mo. App. 277; 73 S. W. 222) 972, 1109  
 — *v. Heath* (47 N. H. 353) 1184  
 — *v. Ohio & M. R. Co.* (77 Ill. 539) 2396, 2764  
 — *v. Warren County* (9 Ohio, 80; 34 Am. Dec. 422) 1708, 1747  
 — *v. Zanditon* (75 Kan. 273; 89 Pac. 10) 961, 2464  
*Lebanon Light & M. W. Co. v. Lebanon* (163 Mo. 254; 63 N. W. 811) 359, 913  
*Leber v. Kelley Transp. Co.* (21 Ohio Cir. Ct. R. 773) 3002  
*Lechner v. Newark* (19 N. Y. Misc. 452; 44 N. Y. Supp. 556) 1084  
*Leckhampton Quarries Co. v. Ballinger* (20 Times L. R. 559; 68 J. P. 464) 1714  
*Le Claire v. Davenport* (13 Iowa, 210) 1073, 1076, 1077, 2843  
*Le Clercq v. Gallipolis* (7 Ohio, Part 1, 218; 28 Am. Dec. 641) 1620, 1747, 1762, 1763, 1789, 1791  
*LeCouteulx v. Buffalo* (33 N. Y. 333) 451, 1558, 1568  
*Ledoux v. La Bee* (83 Fed. Rep. 761) 2480  
*Ledwich v. McKim* (53 N. Y. 307) 1546  
*Lee v. Flemingsburg* (7 Dana [Ky.] 59) 551  
 — *v. Greenwich* (48 N. Y. App. Div. 391; 63 N. Y. Supp. 160) 2820  
 — *v. Harris* (206 Ill. 428; 69 N. E. 230) 1735, 1736, 1893  
 — *v. Huff* (61 Ark. 494; 33 S. W. 846) 771, 773  
 — *v. Lake* (14 Mich. 12; 90 Am. Dec. 220) 1695, 1702, 1706  
 — *v. McCook* (82 Neb. 26; 116 N. W. 955) 1798, 1843  
 — *v. Mellette* (15 S. Dak. 586; 90 N. W. 855) 2398, 2399, 2556  
 — *v. Minneapolis* (22 Minn. 13) 2928  
 — *v. Mound Station* (118 Ill. 304; 8 N. E. 759) 1716, 1736, 1747, 1893, 1896  
 — *v. Port Huron* (128 Mich. 533; 87 N. W. 637; 55 L. R. A. 308) 1084, 2998  
 — *v. Ruggles* (62 Ill. 427) 2390, 2544  
 — *v. Sandy Hill* (40 N. Y. 442) 1743, 2874, 2876  
 — *v. Templeton* (13 Gray [Mass.] 476) 2827, 2830  
 — *v. Thomas* (49 Mo. 112) 2426, 2444  
 — *v. Wallis* (1 Kenyon, 292) 956, 962, 987  
*Lee County v. Rogers* (7 Wall. [U. S.] 175) 1413, 2695, 2699  
 — *v. Rogers* (7 Wall. [U. S.] 181) 193, 1404, 1408, 1463  
 — *v. Yarbrough* (85 Ala. 590; 5 So. 341) 1833, 2950  
*Leech v. State* (78 Ind. 570) 726  
*Leechburg v. Leechburg Water Works Co.* (219 Pa. 263; 68 Atl. 669) 2262  
*Leeds, Matter of* (53 N. Y. 400) 1198  
 — *v. Defrees* (157 Ind. 392; 61 N. E. 930) 2534, 2538, 2593, 2623  
 — *v. Richmond* (102 Ind. 372; 1 N. E. 711) 1557, 1611, 1815, 2614, 2870, 2875  
*Leedy v. Bourbon* (12 Ind. App. 486) 2461  
*Leep v. St. Louis, I. M. & S. R. Co.* (58 Ark. 407; 25 S. W. 75; 23 L. R. A. 264; 41 Am. St. Rep. 109) 207  
*Leeper v. South Bend* (106 Ind. 375; 7 N. E. 1) 2426  
*Leeson v. New York* (65 N. Y. App. Div. 105; 72 N. Y. Supp. 538) 1242

[References are to pages]

- Lee Tong, In re* (18 Fed. Rep. 253) 449, 970, 1111
- Le Feber v. West Allis* (119 Wis. 608; 97 N. W. 203) 459, 925
- Lefrois v. Monroe County* (162 N. Y. 563; 57 N. E. 185; 50 L. R. A. 206) 2856
- Leftwich v. Plaquemine* (14 La. An. 152) 1754
- Legg v. Annapolis* (44 Md. 203) 2720, 2723
- Leggett v. Detroit* (137 Mich. 247; 100 N. W. 566) 1716, 1804, 2405
- *v. Watertown* (55 N. Y. App. Div. 321; 66 N. Y. Supp. 910) 2960
- *v. Watertown* (93 N. Y. App. Div. 80; 86 N. Y. Supp. 982) 2976
- Legrand v. Hampden, etc. College* (5 Munf. [Va.] 324) 632
- Lehigh & W. Coal Co. v. Carrigan* (39 N. J. L. 36) 2335
- Lehigh Coal & Nav. Co. v. Inter-County St. R. Co.* (167 Pa. 75; 31 Atl. 471) 1942, 1945
- Lehigh Coal Co. v. Chicago* (26 Fed. Rep. 415) 2929, 2932
- Lehigh County v. Hoffort* (116 Pa. 119; 9 Atl. 177) 2839
- *v. Kleckner* (5 Watts & S. [Pa.] 181) 2824
- Lehigh Valley' Coal Co.'s Appeal* (164 Pa. 44; 30 Atl. 210) 292
- Lehigh Valley Coal Co. v. Chicago* (26 Fed. Rep. 415) 1678
- Lehigh Valley R. Co. v. Trone* (28 Pa. 206) 490
- Lehigh Water Co.'s Appeal* (102 Pa. St. 515) 464, 2170
- Lehigh Water Co. v. Easton* (121 U. S. 388) 918, 2160
- Lehman v. San Diego* (83 Fed. Rep. 669, aff'g 73 Fed. Rep. 105) 1335, 1477, 1478, 1480, 1526
- Lehn v. Brooklyn* (143 N. Y. 674; 39 N. E. 21) 2984
- *v. San Francisco* (66 Cal. 76; 4 Pac. 965) 3052
- Leicester v. Pittsford* (6 Vt. 245) 2963, 2998
- Leicht v. Burlington* (73 Iowa, 29; 34 N. W. 494) 2430
- Leiper v. Minnig* (74 Ark. 510; 86 S. W. 407) 1813, 2563
- Leipsic v. Gerdeman* (68 Ohio St. 1; 67 N. E. 87) 3020
- Leisy v. Hardin* (135 U. S. 100) 2330, 2351
- Leitch v. La Grange* (138 Ill. 291; 27 N. E. 917) 2426, 2547, 2548, 2618
- *v. People* (183 Ill. 569; 56 N. E. 127) 2600
- *v. Wells* (48 N. Y. 586) 1402
- Leland v. Long Branch Com'rs* (42 N. J. L. 375) 955
- *v. Portland* (2 Oreg. 46) 1702
- Leloup v. Port of Mobile* (127 U. S. 640) 1925, 2330, 2331, 2333, 2347, 2348, 2349
- Leman v. New York* (5 Bosw. [N. Y.] 414) 2869
- Le Mars Indep. School Dist. v. Le Mars City W. & L. Co.* (131 Iowa, 14; 107 N. W. 944; 10 L. R. A. n. s. 859) 2237, 2238
- Lembeck v. Nye* (47 Ohio St. 336; 24 N. E. 686; 8 L. R. A. 578; 21 Am. St. Rep. 828) 494
- Lemington v. Blodgett* (37 Vt. 215) 2823
- Lemman v. Spokane* (38 Wash. 98; 80 Pac. 280) 2972
- Lemoine v. St. Louis* (119 Mo. 419; 25 S. W. 537) 739
- Lemon, Ex parte* (143 Cal. 558; 77 Pac. 455; 65 L. R. A. 946) 2469
- *v. Hayden* (13 Wis. 159) 1700
- *v. Oakland Circuit Judge* (140 Mich. 504; 103 N. W. 843) 2652
- Lemont v. Jenks* (197 Ill. 363; 64 N. E. 362; 90 Am. St. Rep. 172) 2595
- *v. Singer, &c. Stone Co.* (98 Ill. 95) 2765
- LeNeve v. Mile End Old Town* (8 E. & B. 1054) 1696
- Lennig v. Ocean City Assoc.* (41 N. J. Eq. 24; 2 Atl. 611; 56 Am. Rep. 16) 1718, 1755
- Lennon v. New York* (5 Daly [N. Y.] 347, aff'd 55 N. Y. 361) 230, 984, 1631, 1649, 1771, 2477, 2599
- Lenon v. Brodie* (81 Ark. 208; 98 S. W. 979) 2374
- Lent, Matter of* (47 N. Y. App. Div. 349; 62 N. Y. Supp. 227) 2614
- (16 N. Y. Misc. 606; 40 N. Y. Supp. 570) 625
- *v. Tillson* (140 U. S. 316) 2367
- *v. Tillson* (72 Cal. 404; 14 Pac. 71) 2525, 2599
- *v. Tilyou* (106 N. Y. App. Div. 189; 94 N. Y. Supp. 479) 1696, 1714, 1724, 1746
- Lentilhon v. New York* (102 N. Y. App. Div. 548; 92 N. Y. Supp. 897, aff'd 185 N. Y. 549; 77 N. E. 1190) 1163, 1231
- Lentz v. Dallas* (96 Tex. 258; 72 S. W. 59) 2538, 2563, 2950
- Leominster v. Conant* (139 Mass. 384; 2 N. E. 690) 880, 2537
- Leominster Canal Nav. v. Shrewsbury & H. R. Co.* (3 Kay & Johns, 654) 2775



[References are to pages]

- Leonard *v.* Bath (61 N. H. 67) 2817  
 — *v.* Brooklyn (71 N. Y. 498; 27 Am. Rep. 80) 1588  
 — *v.* Canton (35 Miss. 189) 453, 1014, 2829  
 — *v.* Eatonton (126 Ga. 63; 54 S. E. 963) 962, 963  
 — *v.* Hornellsville (41 N. Y. App. Div. 106; 58 N. Y. Supp. 266) 2842  
 — *v.* Sparks (63 Mo. App. 585) 2451, 2607, 2609  
 — *v.* Storer (115 Mass. 86; 15 Am. Rep. 76) 2988, 3031  
 Leonard's Heirs *v.* Baton Rouge (39 La. An. 275; 4 So. 241) 509  
 Lerch *v.* Duluth (88 Minn. 295; 92 N. W. 1116) 2845  
 LeRoy *v.* Leonard ([Tenn. Ch. App.], 35 S. W. 884) 1713  
 Le Roy *v.* New York (20 Johns. [N. Y.] 430; 11 Am. Dec. 289) 2793, 2794  
 Les Bois *v.* Bramell (4 How. [U. S.] 449) 1760  
 Leskie *v.* Haseltine (155 Pa. 98; 25 Atl. 886) 1223  
 Lesley *v.* Kite (192 Pa. 268; 43 Atl. 959) 1273  
 — *v.* White (1 Speers [S. Car.] Law, 31) 1184, 2852  
 Leslie *v.* Grand Rapids (120 Mich. 28; 78 N. W. 885) 2998  
 — *v.* St. Louis (47 Mo. 474) 1646, 1657, 2771, 2788, 2790  
 Leslie County *v.* Wooton (115 Ky. 850; 75 S. W. 208) 2661  
 Lessard *v.* Revere (171 Mass. 294; 50 N. E. 533) 1588  
 Lester *v.* Baltimore (29 Md. 415; 96 Am. Dec. 542) 2835  
 — *v.* Jackson (69 Miss. 887; 11 So. 114) 1567  
 — *v.* Pittsford (7 Vt. 158) 2978  
 Lester Real Estate Co. *v.* St. Louis (170 Mo. 31; 70 S. W. 151) 1652  
 Lethbridge *v.* New York (133 N. Y. 232; 30 N. E. 975) 805, 806  
 — *v.* Winter (1 Camp. 263) 1707  
 LeTourneau *v.* Duluth (85 Minn. 219; 88 N. W. 529) 1380  
 — *v.* Hugo (90 Minn. 420; 97 N. W. 115) 289, 1197, 1214, 1215  
 Levasseur *v.* Berlin ([N. H.], 71 Atl. 628) 3050, 3055  
 Levee Dist. No. 9 *v.* Farmer (101 Cal. 178; 35 Pac. 569) 1840  
 Leverich *v.* Mobile (110 Fed. Rep. 170) 2768  
 Levering *v.* Memphis (7 Humph. [Tenn.] 553) 631  
 Levi *v.* Coyne ([Ky.], 57 S. W. 790) 2456  
 Levi *v.* Louisville (97 Ky. 394; 30 S. W. 973) 2463, 2472, 2474  
 Levine, *Ex parte* (46 Tex. Crim. Rep. 364; 81 S. W. 1206) 165  
 Levis *v.* Newton (75 Fed. Rep. 884) 1985, 2139, 2149  
 Levitt *v.* Wilson (72 Kan. 160; 83 Pac. 397) 2377, 2425  
 Levy, *In re* (63 N. Y. 637) 2581  
 — *v.* Chicago (113 Ill. 650) 2453, 2586  
 — *v.* Hill (50 N. Y. App. Div. 294; 63 N. Y. Supp. 1002) 1880  
 — *v.* Murray (56 N. Y. Misc. 354; 106 N. Y. Supp. 689) 1881  
 — *v.* New York (1 Sandf. [N. Y.] Sup. Ct. R. 465, app'd 11 N. Y. 396) 2840  
 — *v.* Salt Lake City (3 Utah, 63; 1 Pac. 160) 182, 449, 2852, 2903, 2905  
 — *v.* Schreyer (27 N. Y. App. Div. 282; 50 N. Y. Supp. 584; s. c. 71 N. Y. App. Div. 616; 76 N. Y. Supp. 1018, modified 177 N. Y. 293; 69 N. E. 598) 1069  
 — *v.* State (161 Ind. 251; 68 N. E. 172) 2472  
 Lewenthal *v.* New York (5 Lans. [N. Y.] 532) 3054  
 Lewick *v.* Glazier (116 Mich. 493; 74 N. W. 717) 832, 870, 1146, 2131, 2425  
 Lewin *v.* State (77 Ala. 45) 2459, 2461  
 Lewis, *Ex parte* (45 Tex. Crim. Rep. 1; 73 S. W. 811; 108 Am. St. Rep. 929) 164, 165, 667  
 —, *In re* (2 Gallis, 483) 504  
 — *v.* Albertson (23 Ind. App. 147; 53 N. E. 1071) 1395, 2604, 2625  
 — *v.* Alexander (24 Canada S. C. R. 551) 449  
 — *v.* Atlanta (77 Ga. 756) 2964  
 — *v.* Baker (39 Neb. 636; 58 N. W. 126) 1899  
 — *v.* Ballston Terminal R. Co. (45 N. Y. App. Div. 129; 60 N. Y. Supp. 1035) 1862  
 — *v.* Barbour County Com'rs (3 Fed. Rep. 191; 105 U. S. 739) 1349, 1433, 1436, 1488, 1520, 1521, 1522, 1544  
 — *v.* Bourbon County (12 Kan. 186) 1380  
 — *v.* Denver (9 Colo. App. 328; 48 Pac. 317) 472, 742  
 — *v.* Detroit Board of Education (139 Mich. 306; 102 N. W. 756) 212, 1215, 1216  
 — *v.* Elizabeth (25 N. J. Eq. 298) 2748, 2750  
 — *v.* Henley (2 Ind. 332) 2786



## TABLE OF CASES CITED

233

[References are to pages]

- Lewis v. Hudson County** (37 N. J. L. 254) 564  
 — **v. Independence** (54 Mo. App. 183) 3002  
 — **v. Jersey City** (66 N. J. L. 582; 50 Atl. 346) 269, 275, 277, 301, 302, 306, 330  
 — **v. Johnson** (1 Alaska, 529) 483  
 — **v. Jonathan Creek & L. Drainage Com'rs** (111 Ill. App. 222) 2679, 2710  
 — **v. Keeling** (1 Jones [N. Car.] 299; 62 Am. Dec. 168) 488  
 — **v. Lincoln** (55 Neb. 1; 75 N. W. 154) 1702  
 — **v. Litchfield** (2 Root [Conn.] 436) 1833  
 — **v. Lofley** (92 Ga. 804; 19 S. E. 57) 364  
 — **v. Marshall County** (16 Kan. 102) 2663  
 — **v. Moore** (54 N. J. L. 121; 22 Atl. 993) 284  
 — **v. Newark** (94 N. J. L. 308; 65 Atl. 1039) 945  
 — **v. New York & H. R. Co.** (162 N. Y. 202; 56 N. E. 540) 1777, 2039  
 — **v. New York, L. E. & W. R. Co.** (123 N. Y. 496; 26 N. E. 357) 1712, 1728  
 — **v. Oliver** (4 Abb. Pr. [N. Y.] 121) 724, 726, 2668  
 — **v. Pima County** (155 U. S. 54) 233, 580, 1363  
 — **v. Portland** (25 Oreg. 133; 35 Pac. 256; 22 L. R. A. 736; 42 Am. St. Rep. 772) 1706, 1709, 1714, 1746  
 — **v. Rochester** (9 C. B. 401) 564, 1244  
 — **v. San Antonio** (7 Tex. 288) 1713, 1892  
 — **v. Schmidt** ([Ky.], 43 S. W. 433) 1800, 1816  
 — **v. Seattle** (28 Wash. 639; 69 Pac. 393) 2480, 2481, 2600, 2637, 2640  
 — **v. Sherman County** (5 Fed. Rep. 269) 1365  
 — **v. Shreveport** (108 U. S. 282) 1190, 1191, 1531  
 — **v. Shreveport** (3 Woods C. C. 205) 580, 1524  
 — **v. Springfield** (142 Mo. App. 84; 125 S. W. 824) 3044  
 — **v. State** (21 Ark. 211) 1130  
 — **v. Symmes** (61 Ohio St. 471; 56 N. E. 194; 76 Am. St. Rep. 428) 2601  
 — **v. Toronto** (39 Up. Can. Q. B. 343) 905, 2810  
 — **v. United States** (Morris [Iowa] 199) 1010  
**Lewis v. Widber** (99 Cal. 412; 33 Pac. 1128) 353, 357, 416  
**Lewis County v. Gordon** (20 Wash. 80; 54 Pac. 779) 257  
**Lewiston v. Proctor** (23 Ill. 533) 1121  
 — **v. Proctor** (27 Ill. 414) 976, 978  
**Lewisville v. Batson** (29 Ind. App. 21; 63 N. E. 861) 3014  
**Lewisville Nat. Gas Co. v. State** (135 Ind. 49; 34 N. E. 702) 2230  
**Lewright v. Bell** (94 Tex. 556; 63 S. W. 623) 2657  
**Lexington, In re** (96 Ky. 258; 28 S. W. 665) 344  
 — **v. Batson's Adm'r** (118 Ky. 489; 81 S. W. 264) 2896  
 — **v. Bowman** (119 Ky. 840; 84 S. W. 1161) 2625  
 — **v. Butler** (14 Wall. [U. S.] 282) 1350, 1398, 1420, 1439, 1441, 1472  
 — **v. Crosthwaite** ([Ky.], 78 S. W. 1130) 2626  
 — **v. Headley** (5 Bush [Ky.] 508) 880, 881, 914, 2452, 2596  
 — **v. Kentucky Chautauqua Assembly** (114 Ky. 781; 71 S. W. 943) 1557  
 — **v. Lafayette County Bank** (165 Mo. 671; 65 S. W. 943) 2131  
 — **v. Long** (31 Mo. 369) 1123, 1646  
 — **v. McQuillan's Heirs** (9 Dana [Ky.] 513; 35 Am. Dec. 159) 1665, 2316, 2493, 2497, 2565  
 — **v. Mulliken** (7 Gray [Mass.] 280) 2675, 2678  
 — **v. Thompson** (113 Ky. 540; 68 S. W. 477; 57 L. R. A. 775; 101 Am. St. Rep. 361) 38, 153, 154, 164, 175  
 — **v. Union Nat'l Bank** (75 Miss. 1; 22 So. 291) 1357, 1378, 1396, 1398, 1495, 1503  
 — **v. Wilson** (118 Ky. 221; 80 S. W. 811) 2483  
 — **v. Wise** (24 S. Car. 363) 1126  
**Lexington & O. R. Co. v. Apple-gate** (8 Dana [Ky.] 289) 1975, 1979, 2010  
**Lexington Ave., Matter of** (29 Hun [N. Y.] 303) 333  
**Lexington Board of Education v. Moore** (114 Ky. 640; 71 S. W. 621) 735  
**Lexington Hydraulic & Mfg. Co. v. Oots** (119 Ky. 598; 84 S. W. 774) 2305  
**L'Herault v. Minneapolis** (69 Minn. 261; 72 N. W. 73) 3014  
**L'Hote v. Milford** (212 Ill. 418; 72 N. E. 399; 103 Am. St. Rep. 234) 280, 282, 300

[References are to pages]

- Libby v. Downey (5 Allen [Mass.] 299) 1080  
 — v. Portland (105 Me. 370; 74 Atl. 805; 26 L. R. A. n. s. 141) 2913  
 Liberman v. State (26 Neb. 464; 42 N. W. 419; 18 Am. St. Rep. 791) 1095, 1128  
 Liberty Bell, The (23 Fed. Rep. 843, 845) 2765, 2767, 2769  
 Lichfield v. Simpson (8 Q. B. 65, 73) 825  
 Lichtenstein v. New York (159 N. Y. 500; 54 N. E. 67) 2966  
 Liddy v. St. Louis R. Co. (40 Mo. 506) 1981  
 Lieberman v. Van de Carr (199 U. S. 552, aff'g 175 N. Y. 440; 67 N. E. 913) 937, 939, 941  
 Liebermann v. Milwaukee (89 Wis. 336; 61 N. W. 1112) 2454  
 Liebman v. San Francisco (24 Fed. Rep. 705) 1349, 1390, 2595  
 Liebshtein v. Newark (24 N. J. Eq. 200) 2628, 2748, 2790  
 Liermann v. Milwaukee (132 Wis. 628; 113 N. W. 65; 13 L. R. A. n. s. 253) 2928  
 Life & F. Ins. Co. of N. Y. v. Adams (9 Pet. [U. S.] 571) 2647  
 — v. Wilson (8 Pet. [U. S.] 291) 2647, 2706  
 Life Assoc. of Am. v. St. Louis Co. Assessors (49 Mo. 512) 2444  
 Liffin v. Beverly (145 Mass. 549; 14 N. E. 787) 3019  
 Ligare v. Chicago (139 Ill. 46; 28 N. E. 934; 32 Am. St. Rep. 179) 1645, 1838, 1839, 1982  
 — v. Chicago (157 Ill. 637; 41 N. E. 1021) 1678  
 Lightcap v. North Judson (154 Ind. 43; 55 N. E. 952) 1724, 1743, 1744  
 Light, Heat & Water Co. v. Jackson (73 Miss. 598; 19 So. 771) 2153, 2154  
 Lightner v. Peoria (150 Ill. 80; 37 N. E. 69) 2545, 2549, 2551, 2552, 2591  
 Ligonier v. Ackerman (46 Ind. 552; 15 Am. Rep. 323) 904, 2827, 2830, 2832, 2833  
 Ligonier Val. R. Co. v. Latrobe Borough (216 Pa. 221; 65 Atl. 548) 943  
 Lilienthal v. Yonkers (6 N. Y. App. Div. 138; 39 N. Y. Supp. 1037, aff'd 154 N. Y. 766; 49 N. E. 1101) 1220  
 Lilly v. Indianapolis (149 Ind. 648; 49 N. E. 887) 914  
 Lilly v. Scranton ([Pa.], 2 Lacka. Leg. N. 175) 2895  
 — v. Taylor (88 N. Car. 489) 1587, 2673  
 — v. Woodstock (59 Conn. 219; 22 Atl. 40) 2820, 2821  
 Lima v. Lima Cemetery Assoc. (42 Ohio St. 128) 2488, 2572  
 Limestone County v. Rather (48 Ala. 433) 2687  
 Lincoln v. Boston (148 Mass. 578; 20 N. E. 329; 3 L. R. A. 257; 12 Am. St. Rep. 601) 2850, 2980, 3032  
 — v. Cambria Iron Co. (103 U. S. 412) 1425  
 — v. Chapin (132 Mass. 470) 762  
 — v. Commonwealth (164 Mass. 368; 41 N. E. 489) 1609  
 — v. Davis (53 Mich. 375; 19 N. W. 103; 51 Am. Rep. 116) 486, 501  
 — v. Gillilan (18 Neb. 114; 24 N. W. 444) 2998  
 — v. Grant (38 Neb. 369; 56 N. W. 995) 2815, 2816  
 — v. Hapgood (11 Mass. 350) 774  
 — v. Janesch (63 Neb. 707; 89 N. W. 280; 56 L. R. A. 762; 93 Am. St. Rep. 478) 2968, 2985, 3028  
 — v. O'Brien (56 Neb. 761; 77 N. W. 76) 2820, 2984, 2986, 2995  
 — v. Pirner (59 Neb. 634; 81 N. W. 846) 2985, 3020, 3028  
 — v. Smith (28 Neb. 762; 45 N. W. 41) 3020  
 — v. Smith (27 Vt. 354) 1113  
 — v. Stockton (75 Me. 141) 1180, 1190  
 — v. Sun Vapor Gas Light Co. (59 Fed. Rep. 756) 2132  
 — v. Walker (18 Neb. 250; 25 N. W. 66) 2964  
 — v. Worcester (8 Cush. [Mass.] 55) 2826  
 Lincoln & Dawson County Irr. Dist. v. McNeal (60 Neb. 613; 83 N. W. 847) 1155, 1156  
 Lincoln Avenue, In re (193 Pa. 432; 44 Atl. 1102) 2558  
 Lincoln County v. Luning (133 U. S. 529) 1313, 1888  
 Lincoln Land Co. v. Grant (57 Neb. 70; 77 N. W. 349) 1194  
 Lincoln Safe Deposit Co. v. New York City (96 N. Y. App. Div. 624; 88 N. Y. Supp. 912) 1875  
 Lincoln Sch. Tp. v. Union Trust Co. (36 Ind. App. 113; 73 N. E. 623) 458  
 Lincoln St. R. Co. v. Lincoln (61 Neb. 109; 84 N. W. 802) 896, 897, 1949, 2085, 2445, 2572, 2592

## TABLE OF CASES CITED

235

[References are to pages]

- Lindblom v. Doherty* (102 Ill. App. 14) 810
- Linden v. Alameda County* (45 Cal. 6) 2709
- *v. Case* (46 Cal. 171) 1315, 2773
- Linden Land Co. v. Milwaukee Elect R. & L. Co.* (107 Wis. 493; 83 N. W. 851) 1991, 2007, 2009, 2729
- Lindholm v. St. Paul* (19 Minn. 245) 2991, 3019
- Lindsay v. Allen* (112 Tenn. 637; 82 S. W. 171) 660
- *v. Brawner* ([Ky.], 97 S. W. 1) 1262
- *v. Chicago* (115 Ill. 120; 3 N. E. 443) 914, 948, 949
- *v. Omaha* (30 Neb. 512; 46 N. W. 627; 27 Am. St. Rep. 415) 1841
- *v. Sherman* ([Tex. Civ. App.], 36 S. W. 1019) 3055
- Lindsey v. Boone County* (92 Iowa, 86; 60 N. W. 173) 2831, 2834
- *v. Lockett* (20 Tex. 516) 721, 2669, 2671
- *v. Rottaken* (32 Ark. 619) 1284
- Lindsley v. Natural Carbonic Gas Co.* (162 Fed. Rep. 954) 2109
- Linegar v. Rittenhouse* (94 Ill. 208) 649
- Linehan, In re* (72 Cal. 114; 13 Pac. 114) 1028
- Linehen v. Western Electric Co.* (29 N. Y. App. Div. 462; 51 N. Y. Supp. 1080) 1861
- Lines v. Otego* (91 N. Y. Supp. 785) 436, 1184, 1190
- Lining v. Charleston* (1 McCord [S. Car.] 345) 2475
- Linn v. Chambersburg* (160 Pa. 511; 28 Atl. 842; 25 L. R. A. 217) 2120
- *v. Omaha* (76 Neb. 552; 107 N. W. 983) 1360, 1382
- *v. O'Neil* (55 N. J. L. 58; 25 Atl. 273) 2486
- Lins v. Seefeld* (126 Wis. 611; 105 N. W. 917) 1719
- Linton v. Athens* (53 Ga. 588) 2425
- *v. Smith* (31 Ind. App. 546; 68 N. E. 617) 3016
- Linville v. Leininger* (72 Ind. 491) 763
- Lipp v. Philadelphia* (38 Pa. 503) 2612, 2616
- Lippincott v. Pana* (92 Ill. 24) 584, 1338, 1480, 1481
- *v. Smyth* (2 L. T. N. s. 79) 1658
- Lippman v. People* (175 Ill. 101; 51 N. E. 872) 257
- Li Protti, Ex parte* (68 Cal. 635; 10 Pac. 113) 996, 2473
- Liquidators v. Coleman* (L. R. 6 E. & I. App. C. 189) 1141
- *v. Municipality* (6 La. An. 21) 194
- Lisbon Ave. Land Co. v. Lake* (134 Wis. 470; 113 N. W. 1099) 2543, 2563
- List v. Wheeling* (7 W. Va. 501) 343
- Litchfield v. Anglim* (83 Ill. App. 55) 3001
- *v. Ballou* (114 U. S. 190) 346, 349, 353, 408, 547, 1188, 1189, 1190, 1250, 1442, 1524, 1551
- *v. Bond* (186 N. Y. 66; 78 N. E. 719, rev'g 105 N. Y. App. Div. 229; 93 N. Y. Supp. 1016) 767, 773, 1660
- *v. Polk County* (18 Iowa, 70) 2789
- *v. Vernon* (41 N. Y. 123) 1771, 2315, 2319, 2364, 2479, 2498, 2511, 2596
- *v. Whitenack* (78 Ill. App. 364) 3059
- *v. Wilmot* (2 Root [Conn.] 288) 1892, 1898
- Little, Matter of* (60 N. Y. 343) 907, 2608
- *v. Banks* (85 N. Y. 259) 768
- *v. Davis* (80 Kan. 777; 104 Pac. 550) 2730
- *v. Fort Valley* (123 Ga. 503; 51 S. E. 501) 1128
- *v. Hamilton County* (7 Ind. App. 118; 34 N. E. 499) 1391
- *v. Holyoke* (177 Mass. 114; 58 N. E. 170; 52 L. R. A. 417) 2888
- *v. Lenoir* (151 N. Car. 415; 66 S. E. 337) 3052, 3053, 3056
- *v. Madison* (42 Wis. 643; 24 Am. Rep. 435) 1858, 2884, 2981, 2982
- *v. Madison* (49 Wis. 605; 6 N. W. 249; 35 Am. Rep. 793) 2884, 2982
- *v. Merrill* (10 Pick. [Mass.] 543, 547) 774, 829, 832
- *v. Portland* (26 Oreg. 235; 37 Pac. 911) 368, 378, 1252
- *v. State* (137 Ala. 659; 35 So. 134) 242, 257, 307
- *v. Union Township Committee* (40 N. J. L. 397) 180, 1248
- Little Falls Elect. & Water Co. v. Little Falls* (102 Fed. Rep. 663) 2149, 2153, 2160, 2166, 2258
- Littlefield v. Maxwell* (31 Me. 134; 1 Am. Rep. 653) 1757
- Little Meadows Borough, In re* (35 Pa. St. 335) 619
- Little Miami, C. & X. R. Co. v. Dayton* (23 Ohio St. 510) 1613, 1820
- Little Miami El. Co. v. Cincinnati* (30 Ohio St. 629) 1595, 1625

[References are to pages]

- Little Miami R. Co. *v.* Collett (6 Ohio St. 182) 1682  
 — *v.* Greene County (31 Ohio St. 338) 1891  
 Little Rock *v.* Barton (33 Ark. 436) 556, 2373, 2468, 2475  
 — *v.* Board of Improvements (42 Ark. 152) 2373, 2468, 2702  
 — *v.* Fitzgerald (59 Ark. 494; 28 S. W. 32; 28 L. R. A. 496) 1813, 1814, 2563  
 — *v.* Katzenstein (52 Ark. 107; 12 S. W. 198) 2374  
 — *v.* Merchants' Nat. Bank (98 U. S. 308) 1168, 1188  
 — *v.* North Little Rock (72 Ark. 195; 79 S. W. 786) 269, 627  
 — *v.* Parish (36 Ark. 166) 108, 616  
 — *v.* Prather (46 Ark. 471) 2373, 2468, 2469  
 — *v.* United States (103 Fed. Rep. 418) 1283, 1284, 1286, 1314, 2677  
 — *v.* Willis (27 Ark. 572) 3036  
 — *v.* Wright (58 Ark. 142; 23 S. W. 876) 1732  
 Little Rock & F. S. R. Co. *v.* Greer (77 Ark. 387; 96 S. W. 129) 2014  
 Little Rock & H. S. W. R. Co. *v.* Newman (73 Ark. 1; 83 S. W. 653; 108 Am. St. Rep. 17) 2015  
 Littlefield *v.* Newell (85 Me. 246; 27 Atl. 110) 2714  
 — *v.* Norwich (40 Conn. 406) 2915, 3020  
 — *v.* State (42 Neb. 223; 60 N. W. 724; 28 L. R. A. 588; 47 Am. St. Rep. 697) 2462  
 — *v.* Webster (90 Me. 213; 38 Atl. 141) 2997  
 Littlejohn *v.* Stells (123 Ga. 427; 51 S. E. 390) 967, 1128  
 Littler *v.* Lincoln (106 Ill. 353) 1688, 1695, 1724, 1727, 1741  
 Littleton *v.* Richardson (34 N. H. 179; 66 Am. Dec. 759) 3033, 3035  
 Litz *v.* West Hammond (230 Ill. 310; 82 N. E. 634) 1559, 2763  
 Livaudais *v.* Municipality (5 La. An. 8) 1722  
 — *v.* Municipality (16 La. 512) 1756  
 Livermore *v.* Millville (71 N. J. L. 503; 59 Atl. 217, aff'd 72 N. J. L. 221; 62 Atl. 408) 2114, 2186, 2190  
 — *v.* Millville (74 N. J. L. 158; 67 Atl. 605) 2186  
 Live Stock, etc. Assoc. *v.* Crescent City, etc. Co. (1 Abb. [U. S.] 388) 205  
 Livingston, Matter of (121 N. Y. 94; 24 N. E. 290) 1157, 2629  
 Livingston's Appeal (9 Pa. Super. Ct. 110) 1296  
 Livingston *v.* Albany (41 Ga. 21) 2407  
 — *v.* McDonald (21 Iowa, 160; 89 Am. Dec. 563) 3043, 3045  
 — *v.* New York (8 Wend. [N. Y.] 85; 22 Am. Dec. 622) 1665, 1670, 1716, 1718  
 — *v.* Paducah (80 Ky. 656) 2472, 2473  
 — *v.* Pippin (31 Ala. 542) 562, 1181, 2113, 2749  
 — *v.* School Board (15 Pa. Super. Ct. 358) 1296  
 — *v.* School Dist. (11 S. Dak. 150; 76 N. W. 301) 1547  
 — *v.* Wolf (136 Pa. 519; 20 Atl. 551) 1877  
 — *v.* Woods (20 Mont. 91; 49 Pac. 437) 764  
 Livingston County *v.* Darlington (101 U. S. 407) 2313, 2390  
 — *v.* First Nat'l Portsmouth Bank (128 U. S. 102) 1461, 1466, 1511, 1515, 1516  
 — *v.* Weider (64 Ill. 427) 1544, 2390, 2770  
 Lizzie E., The (30 Fed. Rep. 876) 475  
 Llano *v.* Llano County (5 Tex. Civ. App. 132; 23 S. W. 1008) 1694, 1723, 1754, 1755  
 Lloyd *v.* Columbus (90 Ga. 20; 15 S. E. 818) 2868  
 — *v.* New York (5 N. Y. 369; 15 Am. Dec. 347) 144, 2837, 2902, 2903, 2993, 3010, 3054  
 — *v.* Queen (6 L. T. Rep. n. s. 610) 2736  
 — *v.* Smith (176 Pa. 213; 35 Atl. 199) 265, 324  
 — *v.* Walton (57 N. Y. App. Div. 288; 67 N. Y. Supp. 929) 2960  
 — *v.* Washington Gas Light Co. (1 Mackey [D. C.] 331) 2215, 2220  
 Loan *v.* Boston (106 Mass. 450) 2963, 2970, 2984  
 Loan Assoc. *v.* Topeka (20 Wall. [U. S.] 655) 1363, 1364, 1479, 1481, 1605, 2312, 2313, 2402  
 Lobdell *v.* Chicago (227 Ill. 218; 81 N. E. 354) 351, 374, 375  
 — *v.* New Bedford (1 Mass. 153) 1833  
 Loble *v.* Philadelphia (174 Pa. 111; 34 Atl. 554) 1635  
 Lochner *v.* New York (198 U. S. 45, rev'g 177 N. Y. 145; 69 N. E. 373) 208, 1007  
 Locke's Appeal (72 Pa. St. 491; 13 Am. Rep. 716) 128  
 Locke *v.* Central City (4 Colo. 65; 34 Am. Rep. 66) 732, 733

[References are to pages]

- Locke v. Commonwealth** (15 Ky. Law Rep. 840) 877, 880, 883  
 — *v. Davison* (111 Ill. 19) 1494  
 — *v. Lexington* (122 Mass. 290) 2798  
 — *v. Rochester* (5 Lansing [N. Y.] 11) 831, 871, 872  
**Lockhart v. Barnard** (14 M. & W. 674) 552  
 — *v. Craig St. R. Co.* (139 Pa. 419; 21 Atl. 26) 2007  
 — *v. Troy* (48 Ala. 579) 137, 232, 842, 2734  
**Lockport v. Gaylord** (61 Ill. 276) 138, 544  
 — *v. Licht* (113 Ill. App. 613) 3001, 3002, 3004  
 — *v. Richards* (81 Ill. App. 533) 3014  
**Lockwood v. Dover** (73 N. H. 209; 61 Atl. 32) 3054, 3057  
 — *v. Muhlberg* (124 Ga. 660; 53 S. E. 92) 926  
 — *v. New York* (2 Hilton [N. Y.] 66) 3026  
 — *v. New York & N. H. R. Co.* (37 Conn. 391) 1702  
 — *v. St. Louis* (24 Mo. 20) 458, 1665, 2493, 2565, 2573, 2787, 2788, 2790  
 — *v. Wabash R. Co.* (122 Mo. 86; 26 S. W. 698; 24 L. R. A. 516) 1983, 2021  
**Locust Street, In re** (153 Pa. 276; 25 Atl. 816) 1804  
**Lodds v. Vermilion** (28 La. An. 618) 1340  
**Lodi Tp. v. Hackensack Imp. Com'rs** (60 N. J. Eq. 229; 46 Atl. 782) 627  
**Lodor v. McGovern** (48 N. J. Eq. 275; 22 Atl. 199; 27 Am. St. Rep. 446) 2785  
**Loeb v. Attica** (82 Ind. 175; 42 Am. Rep. 494) 1012  
 — *v. Columbia Township* (179 U. S. 472, rev'g 91 Fed. Rep. 37) 1350, 1408, 1411, 1412, 2519, 2521  
 — *v. Duncan* (63 Miss. 89) 2793  
**Loeber v. Butte Gen. El. Co.** (16 Mont. 1; 39 Pac. 912; 50 Am. St. Rep. 468) 1912  
**Loeser v. Redd** (14 Bush [Ky.] 18) 2494  
**Loewer v. Sedalia** (77 Mo. 431) 3001  
**Lofink v. Allegheny** (5 Weekly Notes Cases [Pa.] 3) 2486  
**Logan v. New Bedford** (157 Mass. 534; 32 N. E. 910) 3013  
 — *v. Pyne* (43 Iowa, 524; 22 Am. Rep. 261) 455, 518, 999, 1010  
**Logan County v. Lincoln** (81 Ill. 156) 984, 1893  
**Logansport v. Blakemore** (17 Ind. 318) 1173, 1513  
**Logansport v. Crockett** (64 Ind. 319) 873, 877, 879, 880, 984  
 — *v. Dick* (70 Ind. 65; 36 Am. Rep. 166) 3024, 3026  
 — *v. Dunn* (8 Ind. 378) 1703, 1709, 1756  
 — *v. Dykeman* (116 Ind. 15; 17 N. E. 587) 354, 1172  
 — *v. Humphrey* (84 Ind. 467) 2485  
 — *v. Justice* (74 Ind. 378; 39 Am. Rep. 79) 3015  
 — *v. LaRose* (99 Ind. 117) 620  
 — *v. Legg* (20 Ind. 315) 850, 874  
 — *v. Pollard* (50 Ind. 151) 2924  
 — *v. Seybold* (59 Ind. 225) 620, 2425  
 — *v. Shirk* (88 Ind. 563) 1762  
 — *v. Wright* (25 Ind. 512) 3054  
**Logansport & W. V. Gas Co. v. Peru** (89 Fed. Rep. 185) 2144, 2236, 2237, 2239, 2259, 2274  
**Logansport R. Co. v. Logansport** (114 Fed. Rep. 688) 1942, 1947, 1970, 1973, 2085  
**Lohrum v. Eyermann** (5 Mo. App. 481) 2627  
**Loker v. Brookline** (13 Pick. [Mass.] 343) 1180, 1185, 1193, 2967  
 — *v. Damon* (17 Pick. [Mass.] 284) 2964  
**Lombard v. Cheaver** (Morris [Iowa] 473) 1010  
**London's Case** (8 How. St. T. 1340) 19, 2737  
**London v. Bernardiston** (1 Lev. 16) 983  
 — *v. Cox* (L. R. 2 H. L. C. 239) 2708  
 — *v. Franklin* (118 Ky. 105; 80 S. W. 514) 791  
 — *v. Headen* (76 N. Car. 72) 722, 723  
 — *v. Long* (1 Camp. 22) 889  
 — *v. Lyme Regis* (1 H. Bl. 206) 887, 2723, 2750  
 — *v. Vanacker* (1 Ld. Raym. 496, s. c. 12 Mod. 270; 1 Salk. 142) 722, 924, 963, 965  
 — *v. Wilmington* (78 N. Car. 109) 2765, 2787  
 — *v. Wood* (12 Mod. 674) 961, 1116  
**London & N. Y. Land Co. v. Jellico** (103 Tenn. 320; 52 S. W. 995) 865, 866  
**London & N. W. R. Co. v. St. Pancras** (17 Law Times n. s. 654) 2587  
**London & S. F. Bank v. Oakland** (90 Fed. Rep. 691; s. c. 86 Fed. Rep. 30) 1695, 1704, 1707, 1715, 1734, 1745  
**London Electric Lighting Co. v. London** (82 Law Times n. s. 530) 1144



[References are to pages]

- London Mills *v.* White (208 Ill. 289; 70 N. E. 313, aff'g 105 Ill. App. 146) 894, 898, 1923, 1985, 1986
- Londonderry *v.* Andover (28 Vt. 416) 442, 443
- *v.* Derry (8 N. H. 320) 625
- Londoner *v.* Denver (210 U. S. 373, rev'g 33 Colo. 104; 80 Pac. 117) 1808, 2235, 2363, 2365, 2370, 2596
- *v.* People (15 Colo. 246; 25 Pac. 183) 1905
- Long *v.* Athol (196 Mass. 497; 82 N. E. 665; 17 L. R. A. N. s. 96) 1162
- *v.* Battle Creek (39 Mich. 323; 33 Am. Rep. 384) 882, 1697
- *v.* Billings (7 Wash. 267; 34 Pac. 936) 1644
- *v.* Birmingham (161 Ala. 427; 49 So. 88) 2894
- *v.* Duluth (49 Minn. 280; 51 N. W. 913; 32 Am. St. Rep. 547) 2157, 2158, 2159, 2162, 2163, 2191
- *v.* Emporia (59 Kan. 46; 51 Pac. 897) 1637, 1648
- *v.* Fuller (68 Pa. St. 170) 1663
- *v.* Minneapolis (61 Minn. 46; 63 N. W. 174) 1790
- *v.* Neenah (128 Wis. 40; 107 N. W. 10) 2849
- *v.* New York (81 N. Y. 425) 732
- *v.* Philadelphia (212 Pa. 125; 61 Atl. 810) 3034
- *v.* Shelby Taxing Dist. (7 Lea [Tenn.] 134; 40 Am. Rep. 55) 925
- *v.* State (74 Md. 565; 22 Atl. 4; 12 L. R. A. 425; 28 Am. St. Rep. 268) 1008
- *v.* The Tampico (16 Fed. Rep. 491) 1588
- *v.* Wilson (119 Iowa, 267; 93 N. W. 282; 60 L. R. A. 720; 97 Am. St. Rep. 315) 1840, 1841
- Long Acre El. L. & P. Co., Matter of (188 N. Y. 361; 80 N. E. 1101) 2072
- Long Beach Land Co., Matter of (106 N. Y. App. Div. 253; 94 N. Y. Supp. 282) 2794
- Long Beach School Dist. *v.* Lutge (129 Cal. 409; 62 Pac. 36) 1296
- Long Branch *v.* Sloane (49 N. J. L. 356; 8 Atl. 101) 308
- *v.* Tintern Manor Water Co. (70 N. J. Eq. 71; 62 Atl. 474, aff'd 71 N. J. Eq. 790; 71 Atl. 1134) 2144, 2236, 2237, 2262, 2276, 2288, 2291
- Long Branch Police, S. & Imp. Com'n *v.* Dobbins (61 N. J. L. 659; 40 Atl. 599) 2538, 2641
- Long Dock Co. *v.* State Board of Assessors ([N. J. L.], 73 Atl. 53) 2419
- Long Island R. Co., *In re* (6 T. & C. [N. Y.] 298) 1675
- Long Island Trust Co. *v.* Columbus, C. & I. C. R. Co. (65 Fed. Rep. 455) 1486
- Long Island Water Supply Co. *v.* Brooklyn (166 U. S. 685, aff'g 143 N. Y. 596; 38 N. E. 983) 1608, 1633, 2160, 2166, 2195, 2196
- Longan *v.* Solano County (65 Cal. 122; 3 Pac. 463) 266, 324
- *v.* Taylor (130 Ill. 412; 22 N. E. 745) 683
- Longmore *v.* Great Western R. Co. (35 L. J. C. P. 135) 516
- Longview *v.* Crawfordsville (164 Ind. 117; 73 N. E. 78; 68 L. R. A. 622) 280, 281, 300, 308, 334
- Longworth *v.* Cincinnati (34 Ohio St. 101) 1665
- *v.* Sedevic (165 Mo. 221; 65 S. W. 260) 1702, 1704, 1789
- Longworth's Executors *v.* Evansville (32 Ind. 322) 334
- Longyear *v.* Toolan (209 U. S. 414, aff'g 144 Mich. 55; 107 N. W. 699) 2367
- Loomis *v.* Brown County (15 S. Dak. 606; 91 N. W. 309) 1296, 1305
- *v.* Connecticut R. & L. Co. (78 Conn. 156; 61 Atl. 539) 1703, 1714
- *v.* Little Falls (66 N. Y. App. Div. 299; 72 N. Y. Supp. 774, aff'd 176 N. Y. 31; 68 N. E. 105) 2599, 2604
- *v.* Spencer (2 Paige [N. Y.] 150) 774
- Loper *v.* Millville (53 N. J. L. 362; 21 Atl. 568) 802, 809
- Lorain Steel Co. *v.* Norfolk & B. St. R. Co. (187 Mass. 500; 73 N. E. 646) 2056
- Lorbeer *v.* Hutchinson (111 Cal. 272; 43 Pac. 896) 2795
- Lord *v.* Anoka (36 Minn. 176; 30 N. W. 550) 865, 866
- *v.* Bates (48 S. Car. 95; 26 S. E. 213) 2709
- *v.* Bigelow (6 Vt. 465) 120
- *v.* Governor Cop. Miners (2 Phill. 740) 838
- *v.* Langdon (91 Me. 221; 39 Atl. 552) 1059
- *v.* Mobile (113 Ala. 360; 21 So. 366) 2985, 3001



## TABLE OF CASES CITED

239

[References are to pages]

- Lord *v.* New York (3 Hill [N. Y.] 426) 2848  
 — *v.* Oconto (47 Wis. 386; 2 N. W. 785) 450, 462, 464, 1583, 2404  
 — *v.* Saco (87 Me. 231; 32 Atl. 887) 2821  
 Lord Bruce's Case (2 Stra. 819) 781, 782, 798  
 Lord Colchester *v.* Kewney (L. R. 1 Exch. 368) 2444  
 Lord Hawley's Case (1 Vent. 143) 798  
 Lorden *v.* Coffey (178 Mass. 489; 60 N. E. 124) 2530, 2531  
 Lorence *v.* Bean (18 Wash. 36; 50 Pac. 582) 377, 1303  
 — *v.* Ellensburgh (13 Wash. 341; 43 Pac. 20; 52 Am. St. Rep. 42) 2904, 2997, 3020  
 Lorentz *v.* Alexander (87 Ga. 444; 13 S. E. 632) 257  
 Lorenz *v.* New Orleans (114 La. 802; 38 So. 566) 2972, 3018  
 Lorie *v.* North Chicago C. R. Co. (32 Fed. Rep. 270) 1663, 2018  
 Lorillard *v.* Monroe (11 N. Y. 392; 62 Am. Dec. 120, aff'g 12 Barb. [N. Y.] 161) 102, 2752, 2840, 2857, 2877, 2901  
 Loring *v.* Boston (7 Met. [Mass.] 409) 551  
 — *v.* Small (50 Iowa, 271; 32 Am. Rep. 136) 1588  
 Lorman *v.* Benson (8 Mich. 18; 77 Am. Dec. 435) 486  
 Los Angeles *v.* Cohn (101 Cal. 373; 35 Pac. 1002) 1903  
 — *v.* Eikenberry (131 Cal. 461; 63 Pac. 766) 947  
 — *v.* Hance (137 Cal. 490; 70 Pac. 475) 436  
 — *v.* Hollywood Cem. Assoc. (124 Cal. 344; 57 Pac. 153) 935, 942, 1034  
 — *v.* Kysor (125 Cal. 463; 58 Pac. 90) 1706, 1714, 1740, 1745, 1746, 1748  
 — *v.* Los Angeles City Water Co. (177 U. S. 558, aff'g 88 Fed. Rep. 720) 465, 2150, 2239, 2241  
 — *v.* Los Angeles City Water Co. (124 Cal. 368; 57 Pac. 210, 571) 2150, 2192, 2200  
 — *v.* Los Angeles Ind. Gas. Co. (152 Cal. 765; 93 Pac. 1006) 2469, 2470, 2471, 2472  
 — *v.* Los Angeles Water Co. (61 Cal. 65) 2151, 2476  
 — *v.* Pomeroy (124 Cal. 597; 57 Pac. 585) 2307  
 — *v.* Southern Pac. R. Co. (67 Cal. 433; 7 Pac. 819) 2419  
 Los Angeles *v.* Teed (112 Cal. 319; 44 Pac. 580) 279, 280, 282, 379, 383, 1378, 1381, 1498, 1507  
 — *v.* Waldron (65 Cal. 283; 3 Pac. 890) 895  
 Los Angeles City Water Co. *v.* Los Angeles (88 Fed. Rep. 720, aff'd 177 U. S. 558) 449, 450, 991, 2134, 2236, 2754  
 — *v.* Los Angeles (103 Fed. Rep. 711) 2201, 2258, 2754  
 Los Angeles C. Assoc. *v.* Los Angeles (103 Cal. 461; 37 Pac. 375) 3037, 3038, 3061, 3062  
 Los Angeles County *v.* Orange County (97 Cal. 329; 32 Pac. 316) 627  
 Los Angeles Gas Co. *v.* Toberman (61 Cal. 199) 873, 896, 1169  
 Los Angeles Lighting Co. *v.* Los Angeles (106 Cal. 156; 39 Pac. 535) 2596  
 Los Angeles R. Co. *v.* Los Angeles (152 Cal. 242; 92 Pac. 490; 15 L. R. A. n. s. 1269; 125 Am. St. Rep. 54) 1961  
 Lostutter *v.* Aurora (126 Ind. 436; 26 N. E. 184; 12 L. R. A. 259) 1775, 1830, 1993, 2960  
 Lot *v.* Ross (38 Ala. 156) 2400, 2450, 2459, 2473  
 Lott *v.* Cox (43 Ala. 697) 2418  
 — *v.* Mobile Trade Co. (43 Ala. 578) 2417  
 Lottery Case (188 U. S. 321) 2330  
 Loucheim *v.* Hemsley (59 N. J. L. 149; 35 Atl. 795) 1646  
 — *v.* Philadelphia (218 Pa. 100; 66 Atl. 1121) 1215, 1224  
 Loucks *v.* Bradshaw (56 N. J. L. 1; 27 Atl. 939) 296, 297  
 Loud *v.* Charlestown (99 Mass. 208) 2791  
 — *v.* Charlestown (103 Mass. 278) 2407  
 Loud & Sons Lumber Co. *v.* Vienna Tp. (120 Mich. 382; 79 N. W. 575) 2829  
 Lough *v.* Estherville (122 Iowa, 479; 98 N. W. 308) 437  
 — *v.* Machlin (40 Ohio St. 332) 1731  
 Loughborough *v.* Blake (5 Wheat. [U. S.] 318) 2320  
 Loughran *v.* Des Moines (72 Iowa, 382; 34 N. W. 172) 3038, 3057  
 Louisa County *v.* Yancey (109 Va. 229; 63 S. E. 452) 2899  
 Louisburg *v.* Harris (7 Jones Law [N. Car.] 281) 954, 968, 971  
 Louisiana *v.* Anderson (100 Mo. App. 341; 73 S. W. 875) 981  
 — *v.* Miller (66 Mo. 467) 2595

[References are to pages]

- Louisiana v. New Orleans* (109 U. S. 285) 2851, 2852  
 — *v. Pillsbury* (105 U. S. 278) 193, 920, 2403  
 — *v. St. Martin's Par. Pol. Jury* (111 U. S. 716) 2679, 2686, 2687  
 — *v. Wood* (102 U. S. 294; s. c. 5 Dillon C. C. R. 122) 1188, 1250, 1403, 1547, 1549, 1550, 2810, 2879  
*Louisiana & N. W. Railroad Co. v. Police Jury* (48 La. An. 331; 19 So. 282) 1340  
*Louisiana Bd. of Health v. Pooley* (11 La. An. 743) 964  
*Louisiana Ice Mfg. Co. v. New Orleans* (43 La. An. 217; 9 So. 21) 1892, 1897  
*Louisiana Railroad Com'rs v. Cumberland Tel. & Tel. Co.* (212 U. S. 414, rev'g 156 Fed. Rep. 823) 2254, 2257, 2285, 2289  
*Louisiana State Bank v. Orleans Nav. Co.* (3 La. An. 294) 451, 1232, 1397  
*Louisiana State Board of Health v. Standard Oil Co.* (107 La. 713; 31 So. 1015) 2381  
*Louisville v. American Standard Asph. Co.* (125 Ky. 496; 102 S. W. 806) 1258  
 — *v. Bank* (3 B. Mon. [Ky.] 138) 511  
 — *v. Bank of Kentucky* (3 Met. [Ky.] 148) 2482  
 — *v. Bannon* (99 Ky. 74; 35 S. W. 120) 1837, 1839  
 — *v. Bitzer* (115 Ky. 359; 73 S. W. 1115; 61 L. R. A. 434) 1251, 2526  
 — *v. Board of Park Com'rs* (112 Ky. 409; 65 S. E. 860) 429, 1381  
 — *v. Brewer's Adm'r* ([Ky.], 72 S. W. 9) 3014  
 — *v. Commonwealth* (1 Duvall [Ky.] 295; 85 Am. Dec. 624) 144, 183, 1557, 1585, 2434, 2435  
 — *v. Crescent Hill* ([Ky.], 52 S. W. 1054) 620  
 — *v. Gimpel* ([Ky.], 59 S. W. 1096) 3055, 3056  
 — *v. Hegan* ([Ky.], 49 S. W. 532) 2929  
 — *v. Henderson* (5 Bush [Ky.] 515) 1250  
 — *v. Henning* (1 Bush [Ky.] 381) 2424, 2833  
 — *v. Higdon* (2 Met. [Ky.] 526) 719  
 — *v. Hyatt* (2 B. Mon. [Ky.] 177; 36 Am. Dec. 594) 1254, 2493, 2596  
 — *v. Johnson* ([Ky.], 69 S. W. 803) 2998  
 — *v. Keher* (117 Ky. 841; 79 S. W. 270) 2965, 2972, 3014  
*Louisville v. Knighton* ([Ky.], 100 S. W. 228; 8 L. R. A. n. s. 478) 3050  
 — *v. Kuntz* (104 Ky. 584; 47 S. W. 592) 277  
 — *v. Leatherman* (99 Ky. 213; 35 S. W. 625) 1251, 1252, 2435  
 — *v. Louisville Rolling Mill Co.* (3 Bush [Ky.] 416; 96 Am. Dec. 243) 1821, 2526, 2929  
 — *v. Louisville Water Co.* (105 Ky. 754; 49 S. W. 766) 2062  
 — *v. McKean* (18 B. Mon. [Ky.] 9) 446, 1012, 2717, 2718, 2725, 2726  
 — *v. McKegney* (7 Bush [Ky.] 651) 876, 883, 885  
 — *v. McNaughten* ([Ky.], 44 S. W. 380) 1252, 2435, 2565, 2572  
 — *v. McNaughton* (114 Ky. 333; 70 S. W. 841) 1252  
 — *v. Mehler* (108 Ky. 436; 56 S. W. 712) 1262  
 — *v. Murphy* (86 Ky. 53; 5 S. W. 194) 1244  
 — *v. Nevin* (10 Bush [Ky.] 549; 19 Am. Rep. 78) 1033, 1251, 1252, 2573  
 — *v. Norris* (111 Ky. 903; 64 S. W. 958; 98 Am. St. Rep. 437) 3048, 3052, 3054  
 — *v. O'Malley* ([Ky.], 53 S. W. 287) 3056  
 — *v. Osborne* (10 Bush [Ky.] 226) 1830, 2556  
 — *v. Savings Bank* (104 U. S. 469) 575  
 — *v. Selvage* (106 Ky. 730; 51 S. W. 447) 1262  
 — *v. Shanahan* ([Ky.], 56 S. W. 808) 3026  
 — *v. Snow's Admr.* ([Ky.], 54 S. W. 860) 1730  
 — *v. Taylor* (105 U. S. 454) 1517  
 — *v. Tyler* (111 Ky. 588; 64 S. W. 415; 65 S. W. 125) 2399, 2578, 2579  
 — *v. United States Bank* (3 B. Mon. [Ky.] 138) 1825  
 — *v. University of Louisville* (15 B. Mon. [Ky.] 642) 183, 196, 199, 236  
 — *v. Webster* (108 Ill. 414) 1108  
 — *v. Wehmhoff* (116 Ky. 812; 76 S. W. 876; 79 S. W. 201) 314, 909, 968, 1128  
 — *v. Wible* (84 Ky. 290; 1 S. W. 605) 560, 1029  
 — *v. Wilson* (98 Ky. 598; 36 S. W. 944) 735  
 — *v. Zanone* (1 Met. [Ky.] 151) 2829  
 — *v. Zimmerman* (101 Ky. 432; 41 S. W. 428) 380

[References are to pages]

- Louisville & F. R. Co. v. Brown* (17 B. Mon. [Ky.] 763) 1975, 2010  
*Louisville & I. R. Co. v. Bailey* ([Ky.], 109 S. W. 336) 1714  
*Louisville & J. Ferry Co. v. Kentucky* (188 U. S. 385, rev'g 108 Ky. 717; 57 S. W. 624) 2409, 2411, 2414, 2415, 2438, 2442  
*Louisville & N. A. R. Co. v. State* (25 Ind. 177; 87 Am. Dec. 358) 2423, 2651  
*Louisville & N. R. Co. v. Alabama Railroad Com'n* (157 Fed. Rep. 944) 2257, 2259  
 — *v. Barber Asphalt Pav. Co.* (197 U. S. 430, aff'g 116 Ky. 856; 76 S. W. 1097) 2522, 2587  
 — *v. Cincinnati* (76 Ohio St. 481; 81 N. E. 983) 1759, 1763  
 — *v. Commonwealth* (89 Ky. 531; 12 S. W. 1064) 2831  
 — *v. Commonwealth* ([Ky.], 30 S. W. 624) 2428  
 — *v. Crow* ([Ky.], 118 S. W. 365) 3053  
 — *v. Davidson County* (1 Sneed [Tenn.] 637, 692) 128, 655  
 — *v. Kleymeier* (105 Ky. 609; 49 S. W. 484) 2014  
 — *v. McChord* (103 Fed. Rep. 216) 2227, 2250, 2257  
 — *v. Mobile, J. & K. C. R. Co.* (124 Ala. 162; 26 So. 895) 1972  
 — *v. Nehan* ([Ky.], 64 S. W. 457) 2579  
 — *v. Orr* (91 Ky. 109; 15 S. W. 8) 1995  
 — *v. Palmes* (109 U. S. 244) 2449  
 — *v. State* (3 Head [Tenn.] 523; 75 Am. Dec. 778) 2801, 2802, 2803  
 — *v. Survant* (96 Ky. 197; 27 S. W. 999) 1726  
 — *v. Tennessee Railroad Com'n* (19 Fed. Rep. 679) 2258, 2259  
 — *v. West Coast N. S. Co.* (198 U. S. 483) 478  
*Louisville & P. Canal Co. v. Commonwealth* (7 B. Mon. [Ky.] 160) 2443  
*Louisville & P. St. R. Co. v. Louisville City R. Co.* (2 Duvall [Ky.] 175) 1973  
 — *v. Smith* (2 Duvall [Ky.] 556) 1981  
*Louisville Bagging Mfg. Co. v. Central Pass. R. Co.* (95 Ky. 50; 23 S. W. 592) 2006  
*Louisville Bridge Co. v. Louisville* (81 Ky. 189) 601, 2407, 2428  
 — *v. Louisville* ([Ky.], 58 S. W. 598) 2429  
*Louisville, C. & C. R. Co. v. Letson* (2 How. [U. S.] 497) 2810  
*Louisville City R. Co. v. Louisville* (4 Bush [Ky.] 478) 1979, 2061, 2419  
 — *v. Louisville* (8 Bush [Ky.] 415) 464, 1095, 1153, 1784, 1977, 1980, 2065  
*Louisville Gas Co. v. Citizens' Gas Co.* (115 U. S. 683, rev'g s. c. 81 Ky. 263) 192, 1907, 1916, 1920, 1921, 1984, 2060, 2137, 2158  
 — *v. Dulaney* (100 Ky. 405; 38 S. W. 703; 36 L. R. A. 125) 2213, 2217  
*Louisville Home Tel. Co. v. Cumberland Tel. & Tel. Co.* (111 Fed. Rep. 663) 1986, 1987  
*Louisville, N. A. & Chic. Ry. Co. v. Shires* (108 Ill. 617) 121, 442, 889  
*Louisville Park Com'rs v. Prinz* (127 Ky. 460; 105 S. W. 948) 2435, 2883, 2890, 2893  
*Louisville Police Com'rs v. Louisville* (3 Bush [Ky.] 597) 175, 176, 675  
*Louisville, St. L. & T. R. Co. v. Hess* (92 Ky. 407; 17 S. W. 870) 1991  
*Louisville School Bd. v. Superintendent of Public Instruction* (102 Ky. 394; 43 S. W. 718) 310  
*Louisville Steam-Forge Co. v. Anderson* ([Ky.], 57 S. W. 617) 1830, 2556  
 — *v. Mehler* (112 Ky. 438; 64 S. W. 396) 2579  
*Louisville Trust Co. v. Cincinnati* (47 U. S. App. 36) 1985  
 — *v. Cincinnati* (76 Fed. Rep. 296) 1956  
*Louisville Water Co. v. Clark* (143 U. S. 1) 2450  
 — *v. Commonwealth* (89 Ky. 244; 12 S. W. 300) 2479  
 — *v. Wiemer* (130 Fed. Rep. 257) 2214  
*Loustannaw v. Robertson* (21 Tex. Civ. App. 85; 50 S. W. 489) 1716  
*Loute v. Allegheny County* (10 Pittb. L. J. 241; s. c. 2 Pittsb. R. 411) 2680, 2686, 2720, 2723  
*Louth v. Thompson* (1 Pen. [Del.] 149; 39 Atl. 1100) 1872, 1876  
*Louthan v. Commonwealth* (79 Va. 196) 639  
*Love v. Atlanta* (95 Ga. 129; 51 Am. St. Rep. 64) 2896, 2900  
 — *v. Hinckley* (Abt. Adm. 436) 457  
 — *v. Jersey City* (40 N. J. L. 456) 734  
 — *v. Judge of Records Court* (128 Mich. 545; 87 N. W. 785) 936, 937, 939

[References are to pages]

- Love *v.* Raleigh (116 N. Car. 296;  
 21 S. E. 503; 28 L. R. A. 192) 449,  
 2868, 2981  
 — *v.* Ramsour (12 Ire. Law  
 [N. Car.] 328) 179, 625  
 — *v.* Schenck (12 Ired. Law  
 [N. Car.] 304) 179, 625  
 — *v.* Yazoo City (91 Miss. 535;  
 44 So. 835) 2104  
 Lovejoy *v.* Bessemer Waterworks  
 Co. (146 Ala. 374; 41 So. 76;  
 6 L. R. A. N. S. 429) 2304  
 — *v.* Duquesne St. R. Co. (219  
 Pa. 639; 69 Atl. 280) 2729  
 Loveland *v.* Detroit (41 Mich. 367;  
 1 N. W. 952) 551  
 Lovell *v.* Charlestown (66 N. H.  
 584; 32 Atl. 160) 1569, 1576, 1578  
 — *v.* St. Paul (10 Minn. 290) 1248  
 Loveman *v.* City Water Co. (1  
 Tenn. Ch. App. Rep. 596) 2212  
 Lovenberg *v.* Galveston (17 Tex.  
 Civ. App. 162; 42 S. W. 1024) 2565,  
 2576, 2594  
 Loveridge *v.* Cooper (3 Russell,  
 30) 1300  
 Loverin & B. Co. *v.* Tansil (118  
 Tenn. 717; 102 S. W. 77) 2328  
 Lovett *v.* Salem & S. D. R. Co.  
 (9 Allen [Mass.] 557) 1981  
 — *v.* Steam Saw Mill Assoc. (6  
 Paige [N. Y.] 54) 1598  
 Lovilia *v.* Cobb (126 Iowa, 557;  
 102 N. W. 496) 1018, 1095  
 Loving, *Ex parte* (178 Mo. 194;  
 77 S. W. 508) 117, 284, 310 447  
 Lovington *v.* Wider (53 Ill. 302) 2388,  
 2389, 2786  
 Lovington *v.* Adkins (232 Ill. 510;  
 83 N. E. 1043) 1708  
 Low *v.* Evans (16 Ind. 486) 677  
 — *v.* Lewis (46 Cal. 549) 2432  
 — *v.* Pettengill (12 N. H. 340) 877  
 — *v.* Pilotage (R. M. Charlt.  
 [Ga.] 302) 677, 978, 1133  
 — *v.* Rees Printing Co. (41 Neb.  
 127; 59 N. W. 362) 205  
 — *v.* Towns (8 Ga. 360) 2733  
 — *v.* Windham (75 Me. 113) 2816,  
 2821  
 Lowber *v.* New York (5 Abb. Pr.  
 [N. Y.] 325) 96, 144, 590  
 Lowden, Matter of (89 N. Y. 548)  
 2367  
 — *v.* Cincinnati (2 Disney [Ohio]  
 203) 1248  
 Lowe, *In re* (54 Kan. 757; 39  
 Pac. 710; 27 L. R. A. 545) 1025  
 — *v.* Clinton (133 Mass. 526) 2820  
 — *v.* Clinton (136 Mass. 24) 2974  
 — *v.* Conroy (120 Wis. 151; 97  
 N. W. 942; 66 L. R. A. 907;  
 102 Am. St. Rep. 983) 2896  
 Lowe *v.* Howard County (94 Ind.  
 553) 1587, 2577  
 — *v.* Lawrenceburg Roller Mills  
 Co. (161 Ind. 495; 69 N. E.  
 148) 1837  
 — *v.* Omaha (33 Neb. 587; 50  
 N. W. 760) 1674  
 — *v.* Salt Lake City (13 Utah,  
 91; 44 Pac. 1050; 57 Am. St.  
 Rep. 708) 2887  
 Lowell *v.* Archambault (189 Mass.  
 70; 75 N. E. 65; 1 L. R. A.  
 N. S. 458) 1050  
 — *v.* Bonney (14 Colo. App.  
 230; 60 Pac. 830) 1314  
 — *v.* Boston (111 Mass. 454;  
 15 Am. Rep. 39) 578, 1364, 2312,  
 2314, 2402  
 — *v.* Boston & L. R. Corp. (23  
 Pick. [Mass.] 24; 34 Am. Dec.  
 33) 2081, 3028, 3033, 3035  
 — *v.* Dadman (191 Mass. 370;  
 77 N. E. 717) 911, 912  
 — *v.* French (6 Cush. [Mass.]  
 223) 2631  
 — *v.* Hadley (8 Met. [Mass.]  
 180) 2794  
 — *v.* Middlesex County (3  
 Allen [Mass.] 550) 2406  
 — *v.* Oliver (8 Allen [Mass.] 247) 568  
 — *v.* Short (4 Cush. [Mass.]  
 275) 2988, 3031, 3035  
 — *v.* Simpson (10 Allen [Mass.]  
 88) 1864  
 — *v.* Spaulding (4 Cush. [Mass.]  
 275; 1 Am. Rep. 775) 1882, 2973,  
 2984, 3031, 3035  
 — *v.* Watertown (58 Mich. 568;  
 25 N. W. 517) 3001  
 — *v.* Wentworth (6 Cush.  
 [Mass.] 221) 2607, 2631  
 — *v.* Wheelock (11 Cush.  
 [Mass.] 391) 883, 2631  
 — *v.* Wyman (12 Cush. [Mass.]  
 273) 2631, 2849, 2850  
 Lower Kings River Reclamation  
 Dist. No. 531 *v.* McCullah (124  
 Cal. 175; 56 Pac. 887) 1145, 2363,  
 2369  
 — *v.* Phillips (108 Cal. 306; 39  
 Pac. 630; 41 Pac. 335) 2359  
 Lower Macungie Tp. *v.* Merk-  
 hoffer (71 Pa. 276) 2965  
 Loweree *v.* Newark (38 N. J. L.  
 151) 1661, 1662  
 Lowery *v.* Delphi (55 Ind. 250) 2951  
 — *v.* Lexington (116 Ky. 157;  
 75 S. W. 203) 460, 665  
 — *v.* Pekin (210 Ill. 575; 71 N.  
 E. 626) 1593  
 — *v.* Petree (8 Lea [Tenn.] 674) 1844  
 Lowndes County *v.* Bowie (34 Ala.  
 461) 1662

## TABLE OF CASES CITED

243

[References are to pages]

- Lowndes County v. Hearne** (59 Ala. 371) 874, 880  
 — *v. Hunter* (49 Ala. 507) 2858  
**Lowndale v. Portland** (Deady, 139) 1702  
**Lowry v. Duluth** (94 Minn. 95; 101 N. W. 1059) 1282  
 — *v. Lexington* (113 Ky. 763; 68 So. 1109) 635, 665, 735  
 — *v. Polk County* (51 Iowa, 50; 49 N. W. 1049; 33 Am. Rep. 114) 764  
 — *v. Rainwater* (70 Mo. 152; 35 Am. Rep. 420) 1113  
**Lowther v. Bridgeman** (57 W. Va. 306; 50 S. E. 410) 1930  
**Lowthorp v. Trenton** (61 N. J. L. 484; 40 Atl. 442) 269, 321, 329  
 — *v. Trenton* (62 N. J. L. 795; 44 Atl. 755) 281, 330  
**Loze v. New Orleans** (2 La. 427) 985  
**Lozier v. Newark** (48 N. J. L. 452; 2 Atl. 815) 926  
**Lubliner v. Alpers** (145 Cal. 291; 78 Pac. 722) 115  
**Lucas, Ex parte** (160 Mo. 218; 61 S. W. 218) 280, 284  
 — *v. Commonwealth* (118 Ky. 818; 82 S. W. 440) 972, 1110  
 — *v. Lottery Com'rs* (11 Gill & Johns. [Md.] 506) 995, 996  
 — *v. Macomb* (49 Ill. App. 60) 986  
 — *v. New York* (21 Barb. [N. Y.] 245) 3006  
 — *v. Pitney* (27 N. J. L. 221) 522, 524, 1284  
 — *v. Pontiac* (142 Ill. App. 470) 2817, 2820  
 — *v. Purdy* (142 Iowa, 359; 120 N. W. 1063; 24 L. R. A. n. s. 1294) 2479, 2480  
 — *v. San Francisco* (7 Cal. 463) 1248, 1288  
 — *v. Tippecanoe Co.* (44 Ind. 524) 144, 178, 179  
**Lucas & McGlashan, In re** (29 Up. Can. Q. B. 81) 1129  
**Lucia v. Montpelier** (60 Vt. 537; 15 Atl. 321; 1 L. R. A. 169) 2115, 2127  
**Luck v. Ripon** (52 Wis. 196; 8 N. W. 815) 3004  
 — *v. State* (96 Ind. 16) 441  
**Ludington Water-Supply Co. v. Ludington** (119 Mich. 480; 78 N. W. 558) 362, 2175  
**Ludlow v. Board of Education** ([Ky.], 29 S. W. 854) 344  
 — *v. Cincinnati S. R. Co.* (78 Ky. 357) 2526, 2587  
 — *v. Fargo* (3 N. Dak. 485; 57 N. W. 506) 3016  
**Ludlow v. Mackintosh** ([Ky.], 53 S. W. 524) 2875, 2947  
 — *v. Richie* (25 Ky. Law Rep. 1581) 674  
 — *v. Tyler* (7 Car. & P. 537) 607  
**Ludlow C. Coal Co. v. Ludlow** (102 Ky. 354; 43 S. W. 435) 990  
**Ludlow Street, Matter of** (172 N. Y. 542; 65 N. E. 494, aff'g 59 N. Y. App. Div. 180; 68 N. Y. Supp. 1046) 1823  
**Lueders v. Tenino** (49 Wash. 521; 95 Pac. 1089) 1737  
**Luehrman v. Shelby Taxing Dist.** (2 Lea [Tenn.] 425) 26, 82, 136, 145, 181, 598, 669  
**Lufkin v. Galveston** (73 Tex. 340; 11 S. W. 340) 2484  
**Luke v. El Paso** ([Tex. Civ. App.], 60 S. W. 363) 2813, 3000, 3032  
**Lumbard v. Aldrich** (8 N. H. 31; 28 Am. Dec. 381) 889, 988  
 — *v. Stearns* (4 Cush. [Mass.] 60) 2117, 2118, 2205  
**Lumberton Imp. Co. v. Robeson County** (146 N. Car. 353; 59 S. E. 1014) 2438  
**Lumberville Delaware Bridge Co. v. State Assessors** (55 N. J. L. 529; 26 Atl. 711) 2354  
**Lumsden v. Cross** (10 Wis. 282) 2407, 2576  
 — *v. Milwaukee* (8 Wis. 485) 1669, 1670  
**Lund v. Idaho & W. N. R. Co.** (50 Wash. 574; 97 Pac. 665; 126 Am. St. Rep. 916) 2013, 2014  
 — *v. St. Paul, M. & M. R. Co.* (31 Wash. 286; 71 Pac. 1032; 96 Am. St. Rep. 906) 1862  
 — *v. Tyngsboro'* (11 Cush. [Mass.] 563; 59 Am. Dec. 159) 2970, 2978  
**Lundberg v. Chicago** (183 Ill. 572; 56 N. E. 415) 2453  
**Lundbom v. Manistee** (93 Mich. 170; 53 N. W. 161) 2602  
**Lundon v. Chicago** (83 Ill. App. 208) 3019  
**Lunkenheimer Co. v. Cincinnati** (23 Ohio Cir. Ct. 617) 1744  
**Lurtz v. Hardcastle** (1 Marv. [Del.] 450; 41 Atl. 194) 2707  
**Lusk v. Chicago** (176 Ill. 207; 52 N. E. 54) 2453  
 — *v. Perkins* (48 Ark. 238; 2 S. W. 847) 1308  
**Lussem v. Chicago Sanitary Dist.** (192 Ill. 404; 61 N. E. 544) 403, 1377  
**Lutes v. Briggs** (64 N. Y. 404, rev'g 5 Hun [N. Y.] 67) 2776



[References are to pages]

- Lutterloh v. Cedar Keys* (15 Fla. 306) 1035, 1791, 1866  
 — *v. Cumberland County* (65 N. Car. 403) 2722  
*Lutz v. Crawfordsville* (109 Ind. 466; 10 N. E. 411) 143  
*Lux v. Haggin* (69 Cal. 255; 4 Pac. 919; 10 Pac. 674) 2117  
*Lux & Talbott Stone Co. v. Donaldson* (162 Ind. 481; 68 N. E. 1014) 2580, 2581, 2605, 2628  
*Luxton v. North River Bridge Co.* (147 U. S. 337; s. c. 153 U. S. 525) 521, 1603  
*Luzerne County v. Trimmer* (95 Pa. St. 97) 747  
*Luzerne Water Co. v. Toby Creek Water Co.* (148 Pa. 568; 24 Atl. 117) 2170  
*Lycoming v. Union* (15 Pa. St. 166; 53 Am. Dec. 575) 222, 627  
*Lyddy v. Long Island City* (104 N. Y. 218; 10 N. E. 155) 1179, 1185, 1245  
*Lydecker v. Englewood Drainage Com'rs* (41 N. J. L. 154) 2508, 2509  
 — *v. Nyack* (6 N. Y. App. Div. 90; 39 N. Y. Supp. 509) 1186  
*Lydick v. Korner* (15 Neb. 500; 20 N. W. 26) 2845  
 — *v. State* (61 Neb. 309; 85 N. W. 70) 1899  
*Lyell v. St. Clair County* (3 McLean [U. S.] 580) 470  
*Lyles v. Texas & N. O. R. Co.* (73 Tex. 95; 11 S. W. 782) 2028  
*Lyman v. Amherst* (107 Mass. 339) 3002  
 — *v. Burlington* (22 Vt. 131) 1656  
 — *v. Commonwealth* ([Ky.], 55 S. W. 686) 675  
 — *v. Edgerton* (29 Vt. 305; 70 Am. Dec. 415) 2902  
 — *v. Hampshire* (138 Mass. 74) 2820  
 — *v. Lincoln* (38 Neb. 794; 57 N. W. 531) 1265, 1266, 1267  
 — *v. White River Br. Co.* (2 Aiken [Vt.] 255; 16 Am. Dec. 705) 2882  
*Lyme Regis, Mayor & Burgesses of* (10 Coke Rep. 120, 122) 609  
*Lyme Regis v. Henley* (3 B. & Ad. 77; s. c. 2 Clark & Fin. 331) 589, 2801  
*Lynah v. St. Paul's Par. Com'rs* (2 McCord [S. Car.] 170) 2654  
*Lynch, In re* (2 Hill [N. Y.] 45) 2652  
*Lynch v. Boston* (186 Mass. 148; 71 N. E. 301) 2960  
 — *v. Chase* (55 Kan. 367; 40 Pac. 666) 784, 792  
*Lynch v. Eastern La. F. & M. R. Co.* (57 Wis. 430; 15 N. W. 743, 825) 2765  
 — *v. Forbes* (161 Mass. 302; 37 N. E. 437; 42 Am. St. Rep. 402) 1640, 1644  
 — *v. Kansas City* (44 Kan. 452; 24 Pac. 973) 2599  
 — *v. Laffland* (4 Coldw. [Tenn.] 96) 717, 721  
 — *v. Metropolitan Elev. R. Co.* (129 N. Y. 274; 29 N. E. 315; 15 L. R. A. 287; 26 Am. St. Rep. 523) 2049, 2050  
 — *v. Murphy* (119 Mo. 163; 24 S. W. 774) 257, 284  
 — *v. New York* (76 N. Y. 60; 32 Am. Rep. 271) 3038, 3040, 3041, 3044, 3060  
 — *v. New York* (2 N. Y. App. Div. 213; 37 N. Y. Supp. 798) 1223  
 — *v. North Yakima* (37 Wash. 657; 80 Pac. 79; 12 L. R. A. n. s. 261) 2895, 2899  
 — *v. People* (16 Mich. 472) 982  
 — *v. Smith* (104 Mass. 52; 6 Am. Rep. 188) 3000  
 — *v. Springfield* (174 Mass. 430; 54 N. E. 871) 199, 2135, 2880, 2910  
*Lynchburg v. Norfolk & N. W. R. Co.* (80 Va. 237; 56 Am. Rep. 592) 2475  
 — *v. Norvell* (20 Gratt. [Va.] 601) 1378  
 — *v. Slaughter* (75 Va. 57) 1325, 1464  
 — *v. Wallace* (95 Va. 640; 29 S. E. 675) 2966, 2967, 3014, 3019  
*Lynchburg & D. R. Co. v. Person County Com'rs* (109 N. Car. 159; 13 S. E. 783) 659  
*Lynchburg & R. St. R. Co. v. Dameron* (95 Va. 545; 28 S. E. 951) 449, 1232, 2115, 2131, 2764, 2768, 2770  
*Lynchburg Traction & L. Co. v. Guill* (107 Va. 86; 57 S. E. 644) 1707, 1728  
*Lynde v. Dibble* (19 Wash. 328; 53 Pac. 370) 2668  
 — *v. Rockland* (66 Me. 309) 2896  
 — *v. Winnebago County* (16 Wall. [U. S.] 6) 528, 529, 583, 1325, 1326, 1353, 1363, 1371, 1396, 1420, 1424, 1435, 1441, 1461, 1491, 1544  
*Lyndon v. Stadbridge* (2 H. & N. 45) 559  
*Lyng v. Michigan* (135 U. S. 161) 2330, 2331, 2351  
*Lynn v. Adams* (2 Ind. 143) 768, 771  
 — *v. Cumberland* (77 Md. 449; 26 Atl. 1001) 717



[References are to pages]

- Lynn v. Polk (8 Lea [Tenn.] 121) 2781  
 — v. State (33 Tex. Crim. Rep. 153; 25 S. W. 779) 1102  
 Lynn & B. R. Co. v. Boston & L. R. Co. (114 Mass. 88) 1982, 1983  
 Lyon v. Adams (4 Serg. & R. [Pa.] 443) 2676  
 — v. Adamson (7 Iowa, 509) 1174  
 — v. Cambridge (136 Mass. 419) 2976  
 — v. Commonwealth (3 Bibb [Ky.] 430) 636  
 — v. Elizabeth (43 N. J. L. 158) 1587, 2311  
 — v. Fishmongers' Co. (L. R. 1 App. Cas. 662) 501, 1860  
 — v. Grand Rapids (121 Wis. 609; 99 N. W. 311) 3002  
 — v. Irish (58 Mich. 518; 25 N. W. 502) 777  
 — v. Logansport (9 Ind. App. 21; 35 N. E. 128) 2960, 3001  
 — v. Mitchell (36 N. Y. 235; 93 Am. Dec. 502) 1152  
 — v. Receiver of Taxes (52 Mich. 271; 17 N. W. 839) 2829  
 — v. Rice (41 Conn. 245) 2709  
 — v. Tonawanda (98 Fed. Rep. 361, rev'd 181 U. S. 389) 2519  
 Lyon County v. Keene Sav. Bank (100 Fed. Rep. 337, aff'g 90 Fed. Rep. 523) 395, 1461, 1503, 1505  
 Lyons v. Chamberlain (89 N. Y. 578) 1429, 1538  
 — v. Coolidge (89 Ill. 529) 2679  
 — v. Cooper (39 Kan. 324; 18 Pac. 296) 135, 2464  
 — v. Dosolette (124 Mass. 387) 3004  
 — v. Gloucester City (49 N. J. Law, 177; 6 Atl. 518) 802  
 — v. Green (68 Ark. 205; 56 S. W. 1075) 2799  
 — v. Mullen (78 Neb. 151; 110 N. W. 743) 1730  
 — v. Munson (99 U. S. 684) 1420, 1491  
 — v. Red Wing (76 Minn. 20; 78 N. W. 868) 3001  
 — v. St. Joseph (112 Mo. App. 681; 87 S. W. 588) 2820  
 Lyons & E. P. Toll Road Co. v. People (29 Colo. 434; 68 Pac. 275) 2734  
 Lyons Highway Com'rs v. People (38 Ill. 347) 2715  
 Lysander v. Syracuse, L. & B. R. Co. (31 N. Y. Misc. 330; 65 N. Y. Supp. 415, aff'd 51 N. Y. App. Div. 617; 66 N. Y. Supp. 1146) 1945  
 Lyth v. Hingston (14 N. Y. App. Div. 11; 43 N. Y. Supp. 653) 1267  
 Maas v. Missouri, K. & T. Ry. Co. (11 Hun [N. Y.] 8) 1546  
 Mabon v. Halsted (39 N. J. L. 640) 1652, 2651  
 Mac, *see also* Mc  
 Macauley v. New York (67 N. Y. 602) 515  
 Macclesfield v. Pedley (4 Barn. & Adol. 397) 1072  
 MacDonald, *see* McDonald  
 Macey v. Titcomb (19 Ind. 135) 1197  
 Machell v. Nevinson (2 Ld. Raym. 1355) 866  
 MacIntosh, *see* McIntosh  
 Mack v. DeGraff & Roberts Quarries Co. (57 Ohio St. 463; 49 N. E. 697; 63 Am. St. Rep. 729) 1274  
 — v. Jones (21 N. H. 393) 2405  
 Mackey v. Vicksburg (64 Miss. 777; 2 So. 178) 2913  
 Mackin v. Portland Gas. Co. (38 Oreg. 120; 61 Pac. 134; 62 Pac. 20) 2209, 2221, 2722  
 — v. Wilson ([Ky.], 20 Ky. Law Rep. 218; 45 S. W. 663) 2580  
 Mackinnon v. Penson (25 Eng. L. & Eq. 457) 2855  
 MacKinnon, *see* McKinnon  
 Macklot v. Davenport (17 Iowa, 379) 649  
 MacKnight, *see* McKnight  
 MacLellan, *see* McLellan  
 MacMullen, *see* McMullen  
 Macomber v. Godfrey (108 Mass. 219; 11 Am. Rep. 349) 3036  
 — v. Nichols (34 Mich. 212; 22 Am. Rep. 522) 1852, 1858  
 — v. Taunton (100 Mass. 255) 1876  
 Macon v. Dannenberg (113 Ga. 1111; 39 S. E. 446) 3038, 3046  
 — v. Dasher (90 Ga. 195; 16 S. E. 75) 1596, 1597  
 — v. Dykes (103 Ga. 847; 31 S. E. 443) 2969  
 — v. First Nat. Bank (59 Ga. 648) 2403  
 — v. Franklin (12 Ga. 239) 1695, 1704, 1708, 1790  
 — v. Harris (73 Ga. 428; s. c. 75 Ga. 761) 1867  
 — v. Hill (58 Ga. 597) 2925  
 — v. Huff (60 Ga. 221) 1141, 1143, 1148, 1149  
 — v. Hughes (110 Ga. 795; 36 S. E. 247) 2752  
 — v. Jones (67 Ga. 489) 2407, 2439  
 — v. Jones (122 Ga. 455; 50 S. E. 340) 1496  
 — v. Macon Sav. Bank (60 Ga. 133) 2403, 2422  
 — v. Patty (57 Miss. 378; 34 Am. Rep. 451) 2503, 2517, 2527, 2595

[References are to pages]

- Macon v. Shaw* (14 Ga. 162; 16 Ga. 280; 19 Ga. 468; 21 Ga. 280; 25 Ga. 590) 745, 788, 789, 2793, 2797, 2799
- *v. Wood* (109 Ga. 149; 34 S. E. 322) 977
- Macon Co. Case* (99 U. S. 582) 2674
- Macon County v. Shores* (97 U. S. 272) 1350, 1420, 1461, 1517
- Macy v. Duluth* (68 Minn. 452; 71 N. W. 687) 1143, 1149
- *v. Indianapolis* (17 Ind. 267) 1820, 1821, 2924
- *v. Miami County* ([Ind. App.], 80 N. E. 553) 2763
- McAdam v. Block* (63 N. J. L. 508; 44 Atl. 208) 2798
- *v. New York* (36 Hun [N. Y.] 340) 1145
- McAdams v. McCook* (71 Neb. 789; 99 N. W. 93) 3056
- McAden v. Jenkins* (64 N. Car. 796) 2761
- McAleer v. Angell* (19 R. I. 688; 36 Atl. 588) 346, 377, 1155, 1180, 1192
- McAlister v. Clark* (33 Conn. 91) 1041
- McAllen v. Hamblin* (129 Iowa, 329; 105 N. W. 593; 5 L. R. A. [U. S.] 434) 449
- McAllister v. Albany* (18 Oreg. 426; 23 Pac. 845) 3022
- *v. Bridgeport* (72 Conn. 733; 46 Atl. 552) 2966, 3014, 3020
- *v. State* (72 Md. 390; 20 Atl. 143) 1007
- *v. Swan* (16 Utah, 1; 50 Pac. 812) 733, 734
- *v. Tacoma* (9 Wash. 272; 37 Pac. 447, 658) 1262
- McAlpine v. Chicago G. W. R. Co.* (68 Kan. 207; 75 Pac. 73; 64 L. R. A. 85) 1758, 1762, 1763
- McAntire v. Joplin Tel. Co.* (75 Mo. App. 535) 1931
- McArdle v. Jersey City* (66 N. J. L. 590; 49 Atl. 1013) 283, 284
- McArthur v. Saginaw* (58 Mich. 357; 25 N. W. 313; 55 Am. Rep. 687) 1808, 2838, 2957
- McAskill v. Hancock Tp.* (129 Mich. 74; 88 N. W. 78; 55 L. R. A. 738) 3043
- McAuliff v. Detroit* (150 Mich. 346; 113 N. W. 1112) 2822
- McAuliffe v. Victor* (15 Colo. App. 337; 62 Pac. 231) 2886
- McAunich v. Mississippi & M. R. Co.* (20 Iowa, 338) 257, 261
- McAvoy v. New York* (54 How. Pr. Rep. [N. Y.] 245) 2845
- McBean v. Chandler* (9 Heisk. [Tenn.] 349; 24 Am. Rep. 308) 1084, 2503, 2504, 2566, 2573, 2574
- *v. Fresno* (112 Cal. 159; 44 Pac. 358; 31 L. R. A. 794; 53 Am. St. Rep. 191) 362, 411, 415, 1627, 1816, 2153
- McBrien v. Grand Rapids* (56 Mich. 95; 22 N. W. 206) 1198, 1199, 1212, 1226
- McBride v. Akron* (12 Ohio Cir. Ct. R. 610) 3037, 3042
- *v. Detroit* (47 Mich. 236; 10 N. W. 353; s. c. 49 Mich. 239; 13 N. W. 581) 740
- *v. Grand Rapids* (47 Mich. 236; 10 N. W. 353) 2648
- *v. Newlin* (129 Cal. 36; 61 Pac. 577) 2773
- *v. New York* (56 N. Y. App. Div. 520; 67 N. Y. Supp. 550) 697
- McBryde v. Montesano* (7 Wash. 69; 34 Pac. 559) 429, 432, 1382
- McCabe v. Fountain Co.* (46 Ind. 380) 1233, 1246
- *v. Rapid Transit Subway Const. Co.* (127 Fed. Rep. 465) 1274
- McCafferty v. Spuyten Duyvil & P. M. R. Co.* (61 N. Y. 178; 19 Am. Rep. 267) 3025, 3027
- McCaffrey v. Omaha* (72 Neb. 583; 101 N. W. 251) 1809, 2596
- *v. Smith* (41 Hun [N. Y.] 117) 1856
- *v. Thomas* (4 Pennewill [Del.] 437) 988
- McCague v. Miller* (55 Neb. 762; 76 N. W. 422) 1716
- McCain, In re* (9 S. Dak. 57; 68 N. W. 163) 1224
- *v. Des Moines* (174 U. S. 168, aff'g 84 Fed. Rep. 726) 92, 124
- *v. Des Moines* (128 Iowa, 331; 103 N. W. 979) 2630
- *v. State* (62 Ala. 138) 1798
- McCall v. Byram Mfg. Co.* (6 Conn. 428) 718, 720
- *v. California* (136 U. S. 104) 2330, 2331, 2339, 2355
- *v. Davis* (56 Pa. St. 431; 94 Am. Dec. 92) 1716, 1719
- *v. Hancock* (10 Fed. Rep. 8) 1428
- *v. Saratoga Springs* (56 Hun [N. Y.] 639; 9 N. Y. Supp. 170) 2923
- McCalla v. Multnomah County* (3 Oreg. 424) 2951
- McCallum v. Bethany* (42 Mich. 457; 4 N. W. 164) 2479
- McCann v. Albany* (11 N. Y. App. Div. 378; 42 N. Y. Supp. 94) 1226, 1252
- *v. Johnson County Tel. Co.* (69 Kan. 210; 76 Pac. 870; 66 L. R. A. 171) 1930

## TABLE OF CASES CITED

247

[References are to pages]

- McCann *v.* Otoe County (9 Neb. 324; 2 N. W. 707) 450, 1672  
 — *v.* Sierra County (7 Cal. 121) 1661, 1663  
 — *v.* Waltham (163 Mass. 344; 40 N. E. 20) 2902  
 McCardle, *Ex parte* (7 Wall. [U. S.] 506) 1158  
 McCarroll *v.* Kansas City (64 Mo. App. 283) 3034  
 McCartee *v.* Orphan Asylum Society (9 Cow. [N. Y.] 437; 18 Am. Dec. 516) 1557, 1560, 1568  
 McCarter *v.* Ludlum Steel & Spring Co. (71 N. J. Eq. 330; 63 Atl. 761) 1852  
 McCarthy *v.* Bloomington (127 Ill. App. 215) 1150  
 — *v.* Boston (135 Mass. 197) 2873, 2880  
 — *v.* Boston (188 Mass. 338; 74 N. E. 659) 1807, 2648, 2707  
 — *v.* Chicago (53 Ill. 38) 679, 1864  
 — *v.* Commonwealth (110 Pa. St. 243; 2 Atl. 423) 129, 253, 267, 275  
 — *v.* Far Rockaway (3 N. Y. App. Div. 379; 38 N. Y. Supp. 989) 3043  
 — *v.* Metropolitan Board (43 L. J. C. P. 385) 2929  
 — *v.* Metropolitan Bd. of Works (L. R. 7 C. P. C. 508; s. c. L. R. 8 C. P. 191) 1611, 2935  
 — *v.* Munising (136 Mich. 622; 99 N. W. 865) 2980  
 — *v.* Murphy (119 Wis. 159; 96 N. W. 531; 160 Am. St. Rep. 876) 489  
 — *v.* Oshawa (19 Up. Can. Q. B. 245) 2952, 2973  
 — *v.* Portland (67 Me. 167; 24 Am. Rep. 23) 2958  
 — *v.* St. Paul (22 Minn. 527) 1822, 2928  
 — *v.* Syracuse (46 N. Y. 194) 1773, 1792, 1872, 3013, 3039, 3047, 3049, 3050, 3054, 3055  
 McCartney *v.* Chicago & E. R. Co. (112 Ill. 611) 1963  
 — *v.* Washington (124 Iowa, 382; 100 N. W. 80) 2813  
 McCarty *v.* Bauer (3 Kan. 237) 2901  
 — *v.* Southern Pac. Co. (148 Cal. 211; 82 Pac. 615) 2365  
 McCaskell *v.* State (53 Ala. 510) 2470  
 McCaslan *v.* Major (64 S. Car. 188; 41 S. E. 893) 2651  
 McCaughey *v.* Providence (12 R. I. 449) 2909  
 McCauley *v.* Culbert (144 Cal. 276; 77 Pac. 923) 327  
 McChesney *v.* Bateman (121 Ky. 303; 89 S. W. 198) 2658  
 — *v.* Chicago (213 Ill. 592; 73 N. E. 368) 2635  
 — *v.* People (145 Ill. 614; 34 N. E. 431) 2611  
 — *v.* People (148 Ill. 221; 35 N. E. 739) 2611  
 — *v.* People (200 Ill. 146; 65 N. E. 626) 210, 1216, 1217  
 — *v.* Syracuse (75 Hun [N. Y.] 503; 27 N. Y. Supp. 508) 1199  
 McChord *v.* Louisville & N. R. Co. (183 U. S. 483) 916  
 McClain, *Ex parte* (134 Cal. 110; 66 Pac. 69; 54 L. R. A. 779) 1111  
 — *v.* Garden Grove (83 Iowa, 235; 48 N. W. 1031; 12 L. R. A. 482) 2969  
 — *v.* McKisson (15 Ohio Cir. Ct. 517) 878, 880  
 McClammy *v.* Spokane (36 Wash. 339; 78 Pac. 912) 2963, 3003  
 McClarren *v.* Jefferson School Township (169 Ind. 140; 82 N. E. 73; 13 L. R. A. n. s. 417) 1675  
 McCleave *v.* Moncton (35 N. B. [Can.] 296) 2884  
 McClellan *v.* Pettigrew (44 La. An. 356; 10 So. 853) 2326, 2380  
 — *v.* Weston (49 W. Va. 669; 39 S. E. 670; 55 L. R. A. 898) 1788, 1895, 1897  
 McClelland *v.* Denver (36 Colo. 486; 86 Pac. 126) 932  
 — *v.* Marietta (96 Ga. 749; 22 S. E. 329) 2326  
 — *v.* Miller (28 Ohio St. 488) 1891  
 — *v.* State (138 Ind. 321; 37 N. E. 1089) 764, 2312, 2313  
 McClintock *v.* Hudson (141 Cal. 275; 74 Pac. 849) 2308  
 McCloskey *v.* Kreling (76 Cal. 511; 18 Pac. 433) 1106  
 — *v.* Willis (15 N. Y. App. Div. 594; 44 N. Y. Supp. 682) 713  
 McCloud *v.* Columbus (54 Ohio St. 439; 44 N. E. 95) 1170, 1193, 1219  
 McClung *v.* St. Paul (14 Minn. 420) 733  
 — *v.* Silliman (6 Wheat. [U. S.] 598) 2659, 2694  
 McClure *v.* Bennett (1 Blackf. [Ind.] 189; 12 Am. Dec. 223) 544  
 — *v.* Leaycraft (183 N. Y. 36; 75 N. E. 961) 1069  
 — *v.* Oxford Township (94 U. S. 429) 641, 1349, 1351, 1396, 1416, 1474, 1479, 1515, 1523  
 — *v.* Red Wing (28 Minn. 186; 9 N. W. 767) 1667, 3044

[References are to pages]

- McClure Bros. v. Tipton School District (79 Mo. App. 80) 2889  
 McClusky v. Cromwell (11 N. Y. 598) 683  
 McCollum v. South Omaha (84 Neb. 413; 121 N. W. 438) 2819  
 McComber v. Taunton (100 Mass. 255) 2978  
 McCombs v. Akron (15 Ohio, 474; s. c. 18 Ohio, 229) 2930, 2931  
 McConihe v. State (17 Fla. 238) 294  
 McConnell v. Lexington Trs. (12 Wheat. [U. S.] 582) 1694  
 McConnell v. Bostelmann (72 Hun [N. Y.] 238; 25 N. Y. Supp. 390) 3029  
 — v. Dewey (5 Neb. 385) 768, 770, 2855, 2858  
 — v. Hamm (16 Kan. 228) 578, 1365  
 — v. Simpson (36 Fed. Rep. 750) 1289, 1291, 1300, 1311  
 McConvill v. Jersey City (39 N. J. L. 38) 955, 1001, 1119  
 McConway v. Philadelphia (209 Pa. 236; 58 Atl. 358) 2960  
 McCook v. McAdams (76 Neb. 1; 114 N. W. Rep. 596) 3055  
 McCord v. High (24 Iowa, 336, 342) 775  
 — v. Lauterbach (91 N. Y. App. Div. 315; 86 N. Y. Supp. 503) 1220  
 — v. Ochiltree (8 Blackf. [Ind.] 15) 1577  
 — v. Pike (121 Ill. 288; 12 N. E. 259; 2 Am. St. Rep. 85) 2748  
 McCormack v. Boston El. R. Co. (188 Mass. 342; 74 N. E. 599) 1861  
 — v. Brooklyn (108 N. Y. 49; 14 N. E. 808) 1661  
 McCormick v. Amsterdam (18 N. Y. Supp. 272; 63 Hun [N. Y.] 632) 2975  
 — v. Baltimore (45 Md. 512) 1675  
 — v. Bay City (23 Mich. 457) 873, 914  
 — v. Kansas City, St. J. & C. B. R. Co. (57 Mo. 433) 2918  
 — v. Lafayette (1 Ind. 48) 1662  
 — v. Patchen (53 Mo. 33) 1820, 2517, 2580, 2581  
 — v. St. Louis (166 Mo. 315; 65 S. W. 1038) 1241  
 — v. South Park Com'rs (150 Ill. 516; 37 N. E. 1075) 1799, 1819, 1880, 2391  
 — v. Washington (112 Pa. St. 185; 4 Atl. 164) 1833  
 — v. Weaver (144 Mich. 6; 107 N. W. 314) 1879  
 — v. West Chicago Park Com'rs (118 Ill. 655; 8 N. E. 818) 1663  
 McCort, *In re* (52 Kan. 18; 34 Pac. 456) 2460  
 McCourt v. Beam (42 Oreg. 41; 69 Pac. 990) 836, 838  
 McCoy v. Able (131 Ind. 417; 30 N. E. 528; 31 N. E. 453) 2603  
 — v. Briant (53 Cal. 247) 580, 1154, 1169, 2773  
 — v. Chillicothe (3 Ohio, 370; 17 Am. Dec. 607) 774  
 — v. Cloverdale (31 Ind. App. 331; 67 N. E. 1007) 618, 621  
 — v. Harnett County (4 Jones L. [N. Car.] 180) 2720  
 — v. State (2 Marv. [Del.] 543; 36 Atl. 81) 2649, 2656  
 McCracken v. San Francisco (16 Cal. 591) 378, 861, 874, 1170, 1183, 1185, 1191, 1195, 1590, 2823  
 McCracken, The John (145 Fed. Rep. 705) 1589  
 McCray v. Fairmount (46 W. Va. 442; 33 S. E. 245) 3044, 3045  
 McCrea v. Chahoon (54 Hun [N. Y.] 577; 8 N. Y. Supp. 88) 2780  
 — v. Roberts (89 Md. 238; 43 Atl. 39; 44 L. R. A. 485) 150, 2656  
 McCready v. Philadelphia Guardians (9 Serg. & Rawle [Pa.] 99) 849  
 McCreary v. Rhodes (63 Miss. 308) 2793  
 McCreight v. Camden (49 S. Car. 78; 26 S. E. 984) 380, 428  
 McCrickart v. Pittsburgh (88 Pa. 133) 2835  
 McCrory v. Griswold (7 Iowa, 248) 1655  
 McCrowell v. Bristol (5 Lea [Tenn.] 685) 1038, 1049, 2801, 2803, 2840, 2895  
 — v. Bristol (89 Va. 652; 16 S. E. 867; 20 L. R. A. 653) 2631  
 McCruden v. Rochester R. Co. (5 N. Y. Misc. 59; 25 N. Y. Supp. 114, *aff'd* 77 Hun [N. Y.] 609; 28 N. Y. Supp. 1135; 151 N. Y. 623; 45 N. E. 1133) 2024  
 McCubbin v. Atchison (12 Kan. 166) 1249, 1279  
 McCue v. Monroe County (162 N. Y. 235; 56 N. E. 627) 2831  
 — v. Wapello County (56 Iowa, 698; 10 N. W. 248; 41 Am. Rep. 134) 743  
 — v. Waupun (96 Wis. 625; 71 N. W. 1054) 2814, 2822  
 McCulley v. State (102 Tenn. 509; 53 S. W. 134) 730  
 McCulloch v. Maryland (4 Wheat. [U. S.] 316) 91, 2111, 2311, 2318, 2321, 2409  
 — v. State (11 Ind. 424) 915  
 — v. Stone (64 Miss. 378; 8 So. 236) 2445

## TABLE OF CASES CITED

249

[References are to pages]

- McCullom v. Black Hawk County* (21 Iowa, 409) 1799, 1802, 2993  
*McCullough v. Brooklyn* (23 Wend. [N. Y.] 458) 1250, 2650, 2903  
 — *v. Campbellsport* (123 Wis. 334; 101 N. W. 709) 1608  
 — *v. Moss* (5 Denio [N. Y.] 567) 1326, 1329  
 — *v. Philadelphia* (32 Pa. Super. Ct. 109) 2890  
 — *v. San Francisco Board of Education* (51 Cal. 418) 1755  
 — *v. Virginia* (172 U. S. 102) 2479, 2674  
*McCully v. Chicago B. & Q. R. Co.* (212 Mo. 1; 110 S. W. 711) 2353  
*McCumber v. Waukesha County* (91 Wis. 442; 65 N. W. 51) 739  
*McCunn's Case* (19 N. Y. 188) 724  
*McCutchen, In re* (22 Up. Can. Q. B. 613) 3051  
*McCutcheon v. Homer* (43 Mich. 483; 5 N. W. 668; 38 Am. Rep. 212) 2865, 2950  
 — *v. Pacific R. Co.* (72 Mo. App. 271) 2491  
*McDade v. Chester City* (117 Pa. St. 414; 12 Atl. 421; 2 Am. St. Rep. 681) 2838, 2839, 2843  
*McDermett v. Kingston* (57 How. Pr. [N. Y.] 196) 3013  
*McDermond v. Kennedy* (Bright [Pa.] 332) 2401  
*McDermott v. Boston* (133 Mass. 349) 2904  
 — *v. Jersey City* (56 N. J. L. 273; 28 Atl. 424) 1197, 1214  
 — *v. Metropolitan Board of Police* (5 Abb. Pr. [N. Y.] 422) 674, 902  
 — *v. Miller* (45 N. J. L. 251) 846, 850, 2667  
*McDevitt v. People's Nat. Gas Co.* (160 Pa. 367; 28 Atl. 948) 1825, 1827, 1912, 1913  
*McDonald, Matter of* (34 N. Y. App. Div. 512; 54 N. Y. Supp. 525) 820, 821  
 — *v. Ballston Spa* (34 N. Y. Misc. 496; 70 N. Y. Supp. 279) 1276  
 — *v. Conniff* (99 Cal. 386; 34 Pac. 71) 2447, 2455  
 — *v. Dodge* (97 Cal. 112; 31 Pac. 909) 835, 910  
 — *v. Duluth* (93 Minn. 206; 100 N. W. 1102) 3010  
 — *v. Elfe* (1 Nott & McC. [S. C.] 410) 2800  
 — *v. Louisville* (113 Ky. 425; 68 S. W. 413) 222  
 — *v. Madison County* (43 Ill. 22) 2460  
*McDonald v. Massachusetts General Hospital* (120 Mass. 432; 21 Am. Rep. 529) 2897  
 — *v. Mezes* (107 Cal. 492; 40 Pac. 808) 2634  
 — *v. Murphree* (45 Miss. 705) 2765  
 — *v. Newark* (42 N. J. Eq. 136; 7 Atl. 855) 1037, 1075, 1787, 1866  
 — *v. Newark* (55 N. J. L. 267; 26 Atl. 82) 713  
 — *v. Newark* (58 N. J. L. 12; 32 Atl. 384) 746  
 — *v. New York* (68 N. Y. 23; 23 Am. Rep. 144) 549, 1169, 1180, 1185, 1188, 1189, 1191  
 — *v. New York* (170 N. Y. 409; 63 N. E. 437, rev'g 58 N. Y. App. Div. 73; 68 N. Y. Supp. 462) 1274  
 — *v. People* (206 Ill. 624; 69 N. E. 509) 2625  
 — *v. Red Wing* (13 Minn. 38) 2847  
 — *v. Schell* (6 Serg. & Rawle [Pa.] 240) 1133, 1669  
 — *v. Schneider* (27 Mo. 405) 1594  
 — *v. Stark* (176 Ill. 456; 52 N. E. 37) 1716, 1733  
 — *v. Toledo* (63 Fed. Rep. 60) 2966  
*McDonald's Admx. v. Franklin County* (125 Ky. 205; 100 S. W. 861) 1298  
*McDonell v. International & G. N. R. Co.* (60 Tex. 590) 519  
*McDonough v. Nevada City* (6 Nev. 90) 2993  
 — *v. New York City* (15 N. Y. Misc. 593; 37 N. Y. Supp. 1) 2814  
 — *v. Washington* (20 Pa. County Ct. Rep. 345) 1216  
*McDonough's Suc.* (8 La. An. 171) 1569, 1574  
*McDonough Will Case* (15 How. [U. S.] 367) 78, 1553, 1555, 1568, 1569, 1574, 1577  
*McDougal v. Hennepin County* (4 Minn. 184) 469  
*McDougall v. Windsor* (27 Ont. App. 566) 1170  
*McDowell v. Auburn* (126 N. Y. App. Div. 173; 110 N. Y. Supp. 941, aff'd 197 N. Y. 529; 90 N. E. 1161) 2820  
 — *v. Avon-by-the-Sea Land & Imp. Co.* (71 N. J. Eq. 109; 63 Atl. 13) 2211, 2220  
 — *v. Massachusetts & S. Const. Co.* (96 N. Car. 514; 2 S. E. 351) 585, 659  
 — *v. People* (204 Ill. 499; 68 N. E. 379) 873, 893, 898, 1822  
*McElhinney v. Superior* (32 Neb. 744; 49 N. W. 705) 1143, 1147  
*McElroy v. Albany* (65 Ga. 387; 38 Am. Rep. 791) 2884



[References are to pages]

- McElroy v. Kansas City* (21 Fed. Rep. 257) 2927, 2947  
*McEneney v. Sullivan* (125 Ind. 407; 25 N. E. 540) 2628  
*McEntee v. Kingston Water Co.* (165 N. Y. 27; 58 N. E. 785) 2209, 2211, 2221, 2304  
*McEvoy v. Sault Ste. Marie* (136 Mich. 172; 98 N. W. 1006) 2945, 2950, 2957, 2960, 3021  
*McEwan v. Spokane* (16 Wash. 212; 47 Pac. 433) 1253, 1307, 2480  
*McEwen v. Taylor* (4 G. Green [Iowa] 532) 517  
*McFadin v. San Antonio* (22 Tex. Civ. App. 140; 54 S. W. 48) 2884  
*McFarland v. Gordon* (70 Vt. 455; 41 Atl. 507) 735  
—— *v. Lindekugel* (107 Wis. 474; 83 N. W. 757) 1720  
—— *v. McCowen* (98 Cal. 329; 33 Pac. 113) 1314, 1315  
—— *v. Orange & N. H. C. R. Co.* (13 N. J. Eq. 17) 1979, 1980  
*McFarlane v. Chicago* (185 Ill. 242; 57 N. E. 12) 925, 1808, 2081  
—— *v. Kerr* (10 Bosw. [N. Y.] 249) 1561, 1892  
—— *v. Milwaukee* (51 Wis. 691; 8 N. W. 728) 3032  
—— *v. Triton Ins. Co.* (4 Denio [N. Y.] 392) 888  
*McFee v. Greenfield* (62 Ind. 21) 1013  
*McFeeters v. New York* (102 N. Y. App. Div. 32; 92 N. Y. Supp. 79) 2977  
*McGaffin v. Cohoes* (74 N. Y. 387; 30 Am. Rep. 307) 2813, 2814  
*McGahey v. Virginia* (135 U. S. 662) 2479, 2674  
*McGann v. Harris* (114 Ill. App. 308) 760, 2648, 2657  
—— *v. Peöple* (194 Ill. 526; 62 N. E. 941) 1963, 1968  
*McGarty v. Deming* (51 Conn. 422) 1135  
*McGarvey v. Swan* (17 Wyo. 120; 96 Pac. 697) 2529, 2614, 2617  
*McGary v. Lafayette* (12 Rob. [Lea] 668, 674; s. c. 4 La. An. 440) 2875, 2877, 3003  
*McGavock v. Omaha* (40 Neb. 64; 58 N. W. 543) 896  
*McGean v. Manhattan R. Co.* (117 N. Y. 219; 22 N. E. 957) 2044  
—— *v. Metropolitan El. R. Co.* (133 N. Y. 9; 30 N. E. 647) 1776  
*McGear v. Bridgeton* (33 N. J. L. 213) 982, 1125, 1128  
*McGee v. Axtell* (103 Ind. 444; 3 N. E. 139) 724  
—— *v. Hennepin County* (84 Minn. 472; 88 N. W. 6) 2556  
*McGee's Appeal* (114 Pa. 470; 8 Atl. 237) 139, 1836, 1840  
*McGehee v. Columbus* (69 Ga. 581) 2828  
—— *v. Mathis* (21 Ark. 40) 1665, 2373, 2468, 2565  
—— *v. Woodville* (59 Miss. 648) 1706  
*McGhee v. State* (92 Ga. 21; 17 S. E. 276) 2470  
*McGill v. State* (34 Ohio St. 228, 239) 250, 263, 264, 267, 280, 334  
*McGillivray v. Joint School Dist.* (112 Wis. 354; 88 N. W. 310) 2811  
*McGilvery v. Lewiston* (13 Idaho, 338; 90 Pac. 348) 368, 2619, 2624  
*McGinity v. New York* (5 Duer [N. Y.] 674) 3013, 3020, 3031  
*McGinness v. New York* (26 Hun [N. Y.] 142) 673, 1239  
*McGinnis v. Medway* (176 Mass. 67; 57 N. E. 210) 2880  
—— *v. Ragsdale* (116 Ga. 245; 42 S. E. 492) 257, 269, 2460  
—— *v. St. Louis* (157 Mo. 191; 57 S. W. 755) 1719  
—— *v. San Jose* (153 Cal. 711; 96 Pac. 367) 2147  
*McGinty v. Keokuk* (66 Iowa, 725; 24 N. W. 506) 3002  
*McGlue v. Philadelphia* (10 Phila. [Pa.] 348) 1249  
*McGlynn v. Toledo* (22 Ohio Cir. Ct. 34) 1261  
*McGonigle v. Allegheny* (44 Pa. 118) 2492, 2539, 2585  
*McGough v. New York* (83 N. Y. App. Div. 322; 82 N. Y. Supp. 117) 732  
*McGourin v. De Funiak Springs* (51 Fla. 502; 41 So. 541) 1707  
*McGovern v. Trenton* (57 N. J. L. 580; 31 Atl. 613) 1223  
*McGowan v. Boston* (170 Mass. 384; 49 N. E. 633) 2967  
—— *v. Ford* (107 Cal. 177; 40 Pac. 231) 411, 1316  
—— *v. Paul* (141 Wis. 388; 123 N. W. 253) 2602  
*McGown, Matter of* (18 Hun [N. Y.] 434) 2614  
*McGrail v. Kalamazoo* (94 Mich. 52; 53 N. W. 955) 3019  
*McGrath v. Grout* (171 N. Y. 7; 63 N. E. 547) 357  
—— *v. Newton* (29 Kan. 364) 2469  
—— *v. People* (100 Ill. 464) 1146  
*McGraw v. Dist. of Columbia* (3 D. C. App. 405; 25 L. R. A. 691) 2916  
—— *v. Marion* (98 Ky. 673; 34 S. W. 18; 47 L. R. A. 593) 2845, 2877  
—— *v. Whitson* (69 Iowa, 348; 28 N. W. 632) 869, 906



## TABLE OF CASES CITED

251

[References are to pages]

- McGregor v. Boyle (34 Iowa, 268) 1788,  
 1826, 3053, 3057  
 — v. Calcutt (18 Up. Can. C. P.  
 39) 1712  
 — v. Case (80 Minn. 214; 83  
 N. W. 140) 2221  
 — v. Logansport (79 Ind. 166) 1141,  
 1149  
 — v. Lovington (48 Ill. App.  
 202) 948  
 McGrew v. Kansas City (69 Kan.  
 606; 77 Pac. 698) 2838  
 — v. Stewart (51 Kan. 185; 32  
 Pac. 896) 1798, 1800  
 McGuinness v. New York (52 How.  
 Pr. Rep. [N. Y.] 450) 2904  
 McGuinn v. Peri (16 La. An. 326) 2596  
 McGuinness v. Allison Realty Co.  
 (46 N. Y. Misc. 8; 93 N. Y.  
 Supp. 267) 2882  
 McGuire v. Atlantic City (63 N. J.  
 L. 91; 42 Atl. 781) 1559, 1583,  
 1585  
 — v. Baker City (27 Oreg. 340;  
 41 Pac. 669) 739  
 — v. Brockman (58 Mo. App.  
 307) 2595  
 — v. Rapid City (6 Dak. 346;  
 43 N. W. 706; 5 L. R. A. 752) 1816  
 — v. Spence (91 N. Y. 303; 43  
 Am. Rep. 668) 3000  
 — v. Wilkes-Barre (36 Pa. Super.  
 Ct. 418) 1897  
 McHale v. Throop (13 Pa. Super.  
 Ct. 394) 3055  
 McHenry v. Alford (168 U. S. 651) 2338  
 — v. Parkersburg (66 W. Va.  
 533; 66 S. E. 750) 3038, 3045  
 — v. Salvage (99 Ky. 232; 35  
 S. W. 645) 2456, 2580  
 — v. Sneer (56 Iowa, 649; 10  
 N. W. 234) 919  
 McHugh v. St. Paul (67 Minn.  
 441; 70 N. W. 5) 2976  
 McIlhenney v. Wilmington (127  
 N. Car. 146; 37 S. E. 187; 50  
 L. R. A. 470) 2884  
 McIlhinny v. Trenton (148 Mich.  
 380; 111 N. W. 1083; 10 L. R.  
 A. n. s. 623; 118 Am. St. Rep.  
 583) 1913, 2117  
 McInerney v. Denver (17 Colo.  
 302; 29 Pac. 516) 924, 929, 951,  
 952, 953, 972, 1128, 1133  
 — v. Reed (23 Iowa, 410) 2403, 2483,  
 2484, 2487  
 McNery v. Galveston (58 Tex.  
 334) 733  
 McIntee v. Middletown (80 N. Y.  
 App. Div. 434; 81 N. Y. Supp.  
 124) 2818  
 McIntire v. State (5 Blackf. [Ind.]  
 384) 1682  
 McIntosh v. Charleston (45 S.  
 Car. 584; 23 S. E. 943) 449, 1568  
 — v. Nome (1 Alaska, 492) 1723,  
 1837  
 — v. Pittsburg (112 Fed. Rep.  
 705) 1649  
 — v. Salt Lake County (23 Utah,  
 504; 65 Pac. 483) 345  
 McIntyre v. Easton & A. R. Co.  
 (26 N. J. Eq. 425) 1649  
 — v. El Paso County (15 Colo.  
 App. 78; 61 Pac. 237) 1745, 1747,  
 1749, 1750, 1762, 2767  
 — v. School Trustees (3 Ill. App.  
 77) 683  
 — v. Wood (7 Cranch [U. S.]  
 504) 2694  
 McKannay v. Horton (151 Cal.  
 711; 91 Pac. 598; 13 L. R. A.  
 n. s. 661) 2653  
 McKay v. Buffalo (74 N. Y. 619) 2885  
 — v. Detroit & E. Plank Road  
 Co. (2 Mich. 138) 1801  
 — v. New York (46 N. Y. App.  
 Div. 579; 62 N. Y. Supp. 58) 1271,  
 1276, 1281  
 — v. Reading (184 Mass. 140;  
 68 N. E. 43) 2892  
 McKeague v. Green Bay (106 Wis.  
 577; 82 N. W. 708) 2815, 2818  
 McKean v. Louisville (18 B. Mon.  
 [Ky.] 9) 2657  
 McKechnie Brewing Co. v. Canan-  
 daigua (15 N. Y. App. Div. 139;  
 44 N. Y. Supp. 317, aff'g 162  
 N. Y. 631; 57 N. E. 1113) 2447  
 McKee v. Anderson (Rice L. [S.  
 Car.] 24) 1010, 2800, 2826, 2827  
 — v. Bidwell (74 Pa. St. 218) 2977  
 — v. Brown (23 La. An. 306) 2596  
 — v. Hull (69 Wis. 657; 35 N.  
 W. 49) 773  
 — v. Huron Dist. Court (1 Upper  
 Can. Q. B. 368) 621  
 — v. McKee (8 B. Mon. [Ky.]  
 433) 959, 960, 1100  
 — v. Pendleton (154 Ind. 652;  
 57 N. E. 532) 2534, 2623  
 — v. Pendleton (162 Ind. 667;  
 69 N. E. 997) 2534  
 — v. Perchment (69 Pa. St. 342)  
 1708, 1713, 1716  
 — v. St. Louis (17 Mo. 184) 1695,  
 1708  
 — v. Vernon County (3 Dillon  
 C. C. R. 210) 1353, 1396  
 McKee Land & Imp. Co. v. Wil-  
 liams (63 N. Y. App. Div. 553;  
 51 N. Y. Supp. 399; 71 N. Y.  
 Supp. 1141, aff'd 173 N. Y. 630;  
 66 N. E. 1112) 2619  
 McKeesport v. Busch (166 Pa. 46;  
 31 Atl. 49) 2539

[References are to pages]

- McKeesport v. Fidler** (147 Pa. 532; 23 Atl. 799) 2593  
 — *v. Pittsburg, M. & C. R. Co.* (213 Pa. 542; 62 Atl. 1075) 1953, 1957  
 — *v. Soles* (165 Pa. 628; 30 Atl. 1019; s. c. 178 Pa. 363; 35 Atl. 927) 2540  
**McKeigue v. Janesville** (68 Wis. 50; 31 N. W. 298) 3001, 3005, 3015  
**McKellar v. Detroit** (57 Mich. 158; 23 N. W. 621; 58 Am. Rep. 357) 2957, 2968  
**McKenna, Ex parte** (126 Cal. 429; 58 Pac. 916) 1008  
 — *v. Boston* (131 Mass. 143) 1713  
 — *v. Brooklyn Un. Elev. R. Co.* (184 N. Y. 391; 77 N. E. 615, rev'g 95 N. Y. App. Div. 226; 88 N. Y. Supp. 762) 2040, 2041  
 — *v. Edmundson* (91 N. Y. 231) 269  
 — *v. Kimball* (145 Mass. 555; 14 N. E. 789) 776  
 — *v. Lancaster Dist. R. Com'rs* (Harper [S. Car.] Law, 381) 1716  
 — *v. St. Louis* (6 Mo. App. 320) 2894  
**McKenzie v. Chovin** (1 McM. [S. Car.] 222) 768  
 — *v. Northfield* (30 Minn. 456; 16 N. W. 264) 3001  
 — *v. San Francisco Board of Education* (1 Cal. App. 406; 82 Pac. 392) 2792  
 — *v. Wooley* (39 La. An. 944; 3 So. 128) 949  
**McKeon v. New York, N. H. & H. R. Co.** (75 Conn. 343; 53 Atl. 656) 2010  
 — *v. Sumner Building & Supply Co.* (51 La. 1961; 26 So. 430) 280  
**McKevitt v. Hoboken** (45 N. J. L. 482) 1814, 1820, 2619  
**McKibben v. Amory** (89 Wis. 607; 62 N. W. 416) 2815  
 — *v. Oneida County* (25 N. Y. App. Div. 361; 49 N. Y. Supp. 553) 2831  
**McKibbin v. Fort Smith** (35 Ark. 352) 555, 1035, 1104, 1107, 1108  
**McKie v. Rose** (140 Fed. Rep. 145) 2403, 2714  
**McKillop v. Cheboygan County** (116 Mich. 614; 74 N. W. 1050) 2675  
**McKim v. Odom** (3 Bland [Md.] 407) 143  
**McKinney v. Baker** (100 Iowa, 362; 69 N. W. 683) 1840  
 — *v. Brown* ([Tex. Civ. App.], 81 S. W. 88) 2985  
 — *v. Nashville* (102 Tenn. 131; 52 S. W. 781; 73 Am. St. Rep. 859) 1674  
**McKinney v. O'Connor** (26 Tex. 5) 644  
 — *v. Robinson* (84 Tex. 489; 19 S. W. 699) 764  
**McKinnon v. Auditor General** (130 Mich. 552; 90 N. W. 329) 2707  
**McKnight v. Grant Parish** (30 La. An. 361) 1588  
 — *v. New Orleans* (24 La. An. 412) 1139  
 — *v. New York City* (186 N. Y. 35; 78 N. E. 576, rev'g 98 N. Y. App. Div. 622; 90 N. Y. Supp. 1105) 2816  
 — *v. Seattle* (39 Wash. 516; 82 Pac. 141) 2975  
 — *v. Senoia* (115 Ga. 915; 42 S. E. 256) 431, 657  
 — *v. Toronto* (3 Ont. Rep. 284) 1050, 1051  
 — *v. Flintic Stone Co. v. New York* (160 N. Y. 72; 54 N. E. 661) 1243  
**McLachlan v. Gray** (105 Iowa, 259; 74 N. W. 773) 1835, 1838  
**McLauchlin v. Charlotte & S. C. R. R. Co.** (5 Rich. [S. Car.] Law, 583) 1788, 2000  
**McLaughlin v. Bayonne** (75 N. J. L. 106; 66 Atl. 1070) 1230  
 — *v. Corry* (77 Pa. 109; 18 Am. Rep. 432) 2968, 2994  
 — *v. Miller* (124 N. Y. 510; 26 N. E. 1104) 2317, 2363, 2370  
 — *v. Municipality* (5 La. An. 504) 1651, 1653, 2903  
 — *v. Newark* (57 N. J. L. 298; 30 Atl. 543) 283, 2508  
 — *v. South Bend* (126 Ind. 471; 26 N. E. 185) 2326  
 — *v. Stevens* (2 Cranch C. C. 148) 968  
 — *v. Stevens* (18 Ohio, 94) 514, 1722  
**McLauren v. Grand Forks** (6 Dak. 397; 43 N. W. 710) 2608  
**McLaury v. McGregor** (54 Iowa, 717; 7 N. W. 91) 3000  
**McLean v. Brantford** (16 Up. Can. Q. B. 347) 1189  
 — *v. East St. Louis* (222 Ill. 510; 78 N. E. 815) 837, 860, 861  
 — *v. Gibson* (55 N. J. L. 11; 25 Atl. 935) 284  
 — *v. Great Western Ry. Co.* (33 Up. Can. Q. B. 198) 1659  
 — *v. Lewiston* (8 Idaho, 472; 69 Pac. 478) 2984  
 — *v. Llwelllyn Iron Works* (2 Cal. App. 346; 83 Pac. 1082) 1724  
 — *v. Valley County* (74 Fed. Rep. 389) 405, 1384  
**McLean County v. Bloomington** (106 Ill. 209) 2572, 2578, 2595

## TABLE OF CASES CITED

253

[References are to pages]

McLean County Precinct v. Deposit Bank (81 Ky. 254)	2401, 2480, 2482	McMenomy v. White (115 Cal. 339; 47 Pac. 109)	1263
McLeansboro v. Trammel (109 Ill. App. 524)	2971, 2984, 2985	McMicken v. Cincinnati (4 Ohio St. 394)	1648
McLellan v. Marine (98 Md. 53; 56 Atl. 359)	709	McMickle v. Hardin (25 Tex. Civ. App. 222; 61 S. W. 322)	125
— v. Young (54 Ga. 399; 21 Am. Rep. 276)	742	McMillan v. Butte (30 Mont. 220; 76 Pac. 203)	2497, 2527, 2566, 2567, 2568
McLeod v. Receveur (71 Fed. Rep. 455)	2366	— v. Fond du Lac (139 Wis. 367; 120 N. W. 240)	2764
McLeod County v. Gilbert (19 Minn. 214)	763	— v. Fond du Lac County (134 Wis. 576; 114 N. W. 1119)	2580
McLimans v. Lancaster (63 Wis. 596; 23 N. W. 689)	3015	— v. Freeborn County (93 Minn. 16; 100 N. W. 384)	2365
McLott v. Davenport (17 Iowa, 379)	2787	— v. Klaw & Erlanger Const. Co. (107 N. Y. App. Div. 407; 95 N. Y. Supp. 365)	1881
McLucas v. St. Joseph & G. I. R. Co. (67 Neb. 603; 93 N. W. 928; 97 N. W. 312)	1899, 1900	— v. Noyes ([N. H.], 72 Atl. 759)	2125
McMahon v. Cincinnati & C. S. L. R. Co. (5 Ind. 413)	1682	— v. Tacoma (26 Wash. 358; 67 Pac. 68)	2576
— v. New Orleans (52 La. An. 1226; 27 So. 650)	2752	McMillen v. Anderson (95 U. S. 37)	2359, 2364, 2366, 2369, 2520
— v. Savannah (66 Ga. 217; 42 Am. Rep. 65)	635	— v. Boyles (6 Iowa, 304)	232, 1524
— v. St. Louis A. & T. R. Co. (41 La. An. 827; 6 So. 640)	1664	McMinn Academy v. Reneau (2 Swan [Tenn.] 94)	611
McManus v. Boston (171 Mass. 152; 50 N. E. 607)	1221	McMonies, <i>In re</i> (75 Neb. 702; 106 N. W. 456)	1113
— v. Carmichael (3 Iowa, 1)	484	McMulkin v. Chicago (92 Ill. App. 331)	2977
— v. Hornaday (99 Iowa, 507; 68 N. W. 812)	898, 2452	McMullan v. Charleston (1 Bay [S. Car.] 46)	953, 1133
— v. Newark (49 N. J. Law, 175; 6 Atl. 882)	805	McMullen v. Hoffman (174 U. S. 639, aff'g 83 Fed. Rep. 374, rev'g 75 Fed. Rep. 547; s. c. 69 Fed. Rep. 509)	1165, 1166, 1167, 1168
— v. People (183 Ill. 391; 55 N. E. 886)	2598	— v. Middletown (187 N. Y. 37; 79 N. E. 863; 11 L. R. A. n. s. 391, rev'g 112 N. Y. App. Div. 81; 98 N. Y. Supp. 145)	143, 155, 2815, 2993, 2995, 2996
— v. Philadelphia (201 Pa. 619; 51 Atl. 320)	1221, 1230	McMurray v. Baltimore (54 Md. 103)	475, 511, 1702
— v. Philadelphia (201 Pa. 632; 51 Atl. 322)	1241	McMurray v. Hayden (13 Colo. App. 51; 56 Pac. 206)	1314
— v. Philadelphia (211 Pa. 394; 60 Atl. 1001)	1162, 1163	McMurtry v. Commissioners (6 Okla. 60; 55 Pac. 1069)	403
— v. Scheele (116 La. 72; 40 So. 535)	1144, 1146	McNally, <i>Ex parte</i> (73 Cal. 632; 15 Pac. 368)	1014
— v. Watertown (88 N. Y. App. Div. 361; 84 N. Y. Supp. 638)	3014	— v. Cohoes (53 Hun [N. Y.] 202; 6 N. Y. Supp. 842)	2993
McMaster v. Herald (56 Kan. 231; 42 Pac. 697)	784	McNamara v. Clintonville (62 Wis. 207; 22 N. W. 472; 51 Am. Rep. 722)	3004
— v. State (108 N. Y. 542; 15 N. E. 417)	1228	— v. Estes (22 Iowa, 246)	1809, 1810
— v. Waynesboro (122 Ga. 231; 50 S. E. 122)	364	— v. New York (152 N. Y. 228; 46 N. E. 507)	805, 806
McMasters v. Commonwealth (3 Watts [Pa.] 292)	1665	— v. Willcox (73 N. Y. App. Div. 451; 77 N. Y. Supp. 294)	1594
McMaugh v. Milwaukee (32 Wis. 200)	3018		
McMeekin v. Central Carolina Power Co. (80 S. Car. 512; 61 S. E. 1020; 128 Am. St. Rep. 885)	2125		

## TABLE OF CASES CITED

[References are to pages]

- McNamee *v.* Tacoma (24 Wash. 591; 64 Pac. 791) 2600, 2637  
 McNaughton *v.* Elkhart (85 Ind. 384) 3032  
 — *v.* McGirl (20 Mont. 124; 49 Pac. 651; 38 L. R. A. 367) 2327  
 McNeal *v.* Waco (89 Tex. 83; 33 S. W. 322) 357, 419, 423  
 McNeal Pipe & Foundry Co. *v.* Lippincott (57 N. J. L. 540; 31 Atl. 399, aff'd 58 N. J. L. 407; 36 Atl. 1128) 1799  
 McNeil *v.* Boston (178 Mass. 326; 59 N. E. 810) 1714, 2863, 2888  
 McNeill *v.* Chicago (212 Ill. 481; 72 N. E. 450) 802, 804  
 McNevin *v.* Solvay Process Co. (32 N. Y. App. Div. 610; 53 N. Y. Supp. 98, aff'd 167 N. Y. 530; 60 N. E. 1115) 756  
 McNolty *v.* Morse School Directors (102 Wis. 261; 78 N. W. 439) 825  
 McNutt *v.* Lemhi County (12 Idaho, 63; 84 Pac. 1054) 1288  
 McPeeters *v.* Blankenship (123 N. Car. 651; 31 S. E. 876) 1296  
 McPhee *v.* Venable (77 Ga. 772) 2485  
 McPhee & M. Co. *v.* Union Pacific R. Co. (158 Fed. Rep. 5) 1906, 1974  
 McPherson, Matter of (104 N. Y. 306; 10 N. E. 685; 58 Am. Rep. 502) 2363  
 McPherson *v.* Buffalo (13 N. Y. App. Div. 502; 43 N. Y. Supp. 658) 2966, 3002  
 — *v.* Chebanse (114 Ill. 46; 28 N. E. 454; 55 Am. Rep. 857) 1095  
 — *v.* Foster (43 Iowa, 48; 22 Am. Rep. 215) 346, 385, 437, 530, 1454, 1481, 2681  
 McPike *v.* Parr (51 Mo. 63) 830  
 McQuiddy *v.* Brannock (70 Mo. App. 535) 1155, 1156, 2632, 2633, 2634  
 — *v.* Gates (69 Mo. App. 156) 2635  
 — *v.* Vineyard (60 Mo. App. 610) 2455  
 McQuity *v.* Doudna (101 Iowa, 144; 70 N. W. 99) 2489  
 McRae *v.* Cochise County (5 Ariz. 26; 44 Pac. 299) 260, 354  
 — *v.* Grand Rapids, L. & D. R. Co. (93 Mich. 399; 53 N. W. 561) 148  
 — *v.* O'Lain (1 McMullan [S. Car.] Law, 328) 960  
 McReynolds *v.* Broussard (18 Tex. Civ. App. 409) 1080, 1753  
 McRose *v.* Bottyer (81 Cal. 122; 22 Pac. 393) 1712  
 McShane *v.* Moberly (79 Mo. 41) 1704  
 McSherry *v.* Canandaigua (129 N. Y. 612; 29 N. E. 821) 3019  
 McSpedon *v.* New York (7 Bosw. [N. Y.] 601) 1185, 1249  
 McSweeney *v.* Commonwealth (185 Mass. 371; 70 N. E. 429) 1609  
 McTwiggan *v.* Hunter (19 R. I. 265; 33 Atl. 5; 29 L. R. A. 526) 1192  
 McVeany *v.* New York (80 N. Y. 185; 36 Am. Rep. 600) 652, 746, 747, 748  
 McVee *v.* Watertown (92 Hun [N. Y.] 306; 36 N. Y. Supp. 870) 1707  
 McVerry *v.* Boyd (89 Cal. 304; 26 Pac. 885) 2580, 2634  
 — *v.* Kidwell (63 Cal. 246) 2629  
 McVey *v.* Danville (188 Ill. 428; 58 N. E. 955) 2597, 2598  
 McVoy *v.* Knoxville (85 Tenn. 19; 1 S. W. 498) 3004  
 McWethy *v.* Aurora El. L. & P. Co. (202 Ill. 218; 67 N. E. 9, aff'g 104 Ill. App. 479) 1003, 1913  
 McWhinney *v.* Indianapolis (98 Ind. 182) 2828  
 McWhorter *v.* Pensacola & A. R. Co. (24 Fla. 417; 5 So. 129; 2 L. R. A. 504; 12 Am. St. Rep. 220) 2231  
 — *v.* People (65 Ill. 290) 585  
 McWilliams *v.* Morgan (61 Ill. 89) 1756  
 Madden *v.* Boston (177 Mass. 350; 58 N. E. 1024) 1221  
 — *v.* Lancaster County (27 U. S. App. 528) 64, 68  
 — *v.* Springfield (131 Mass. 441) 2815, 2818, 2821  
 Maddox *v.* Graham (2 Met. [Ky.] 56) 569, 1155, 1171, 1325, 1378, 1544, 2674, 2687, 2702, 2709, 2710, 2712, 2716, 2721, 2725  
 Madera County *v.* Raymond Granite Co. (139 Cal. 128; 72 Pac. 915) 257  
 Madera Irrig. Dist., *In re* (92 Cal. 296; 28 Pac. 272, 675; 27 Am. St. Rep. 106) 63, 308, 347, 2370  
 Madison *v.* Alton G. & St. L. Trac. Co. (235 Ill. 346; 85 N. E. 596) 1984, 1985  
 — *v.* American San. Eng. Co. (118 Wis. 480; 95 N. W. 1097) 1206, 1225  
 — *v.* Baker (103 Ind. 41; 2 N. E. 236) 3015  
 — *v.* Baltimore Harbor Board (76 Md. 395; 25 Atl. 337) 458, 1223, 1224  
 — *v.* Hatcher (8 Blackf. [Ind.] 341) 971  
 — *v.* Kelso (32 Ind. 79) 734

## TABLE OF CASES CITED

255

[References are to pages]

- Madison v. Korbly** (32 Ind. 74) 677, 787, 792, 808, 819  
 — *v. Madison Gas & Elect. Co.* (129 Wis. 249; 108 N. W. 65; 8 L. R. A. n. s. 529) 2117, 2211, 2229, 2231, 2260, 2263  
 — *v. Mayers* (97 Wis. 399; 73 N. W. 43; 40 L. R. A. 635) 489, 1689, 1903  
 — *v. Morristown Gas Light Co.* (65 N. J. Eq. 356; 54 Atl. 439, rev'g 63 N. J. Eq. 120; 52 Atl. 158) 1916, 2142  
 — *v. Newsome* (39 Fla. 149; 22 So. 270) 1156  
 — *v. Ross* (3 Ind. 236; 54 Am. Dec. 481) 3038  
 — *v. Smith* (83 Ind. 502) 1416, 2657, 2770  
 — *v. Wade* (88 Ga. 699; 16 S. E. 21) 431, 657  
 — *v. Whitney* (21 Ind. 261) 2423  
**Madison Ave. Bapt. Church v. Oliver St. Church** (5 Robt. [N. Y.] 649) 845  
**Madison County v. Alexander** (Walker [Miss.] Rep. 523) 2675  
 — *v. Bartlett* (2 Ill. 67) 1318  
 — *v. Brown* (89 Ind. 48) 1833, 3015  
 — *v. Powell* (71 Miss. 618; 15 So. 109) 1888  
 — *v. Priestly* (42 Fed. Rep. 817) 654  
**Madison County Court v. People** (58 Ill. 456) 2388  
**Madisonville v. Bishop** (113 Ky. 106; 67 S. W. 269; 57 L. R. A. 130) 2849, 2850  
 — *v. Pemberton's Adm'r* ([Ky.], 75 S. W. 229) 2975, 3014  
**Madisonville Traction Co. v. St. Bernard Min. Co.** (196 U. S. 239) 1604, 1631  
**Madry v. Cox** (73 Tex. 538; 11 S. W. 541) 2425  
**Magaha v. Hagerstown** (95 Md. 62; 51 Atl. 832; 93 Am. St. Rep. 317) 2967, 2998  
**Magarity v. Wilmington** (5 Hous. [Del.] 530) 3045  
**Magee v. Brooklyn** (18 N. Y. App. Div. 22; 45 N. Y. Supp. 473) 3037  
 — *v. Calaveras County* (10 Cal. 376) 2657, 2665  
 — *v. Commonwealth* (46 Pa. 358) 1902, 2480, 2539  
 — *v. Halliett* (22 Ala. 699) 491  
 — *v. Overshiner* (150 Ind. 127; 49 N. E. 951; 40 L. R. A. 370) 1825, 1826, 1930  
**Maggie P., The** (25 Fed. Rep. 202) 1140  
**Magill v. Kauffman** (4 Serg. & Rawl. [Pa.] 317; 8 Am. Dec. 713) 1184  
**Maginnis v. Brooklyn** (26 N. Y. St. Rep. 689; 7 N. Y. Supp. 194) 2951  
**Magneau v. Fremont** (30 Neb. 843; 47 N. W. 280; 9 L. R. A. 786; 27 Am. St. Rep. 436) 860, 866, 869, 987, 1370, 2468, 2470, 2471  
**Magner v. St. Louis** (179 Mo. 495; 78 S. W. 782) 745  
 — *v. Yore* (75 N. J. L. 198; 66 Atl. 948) 2732  
**Magoun v. Illinois Trust & Sav. Bank** (170 U. S. 283) 2465, 2467  
**Magrath v. Brook Tp.** (13 Up. Can. Q. B. 629) 1631  
**Magruder v. Swann** (25 Md. 173) 2660  
**Maguire v. Liverpool** (L. R. [1905] 1 K. B. 767) 2855  
 — *v. Smock* (42 Ind. 1) 1183, 2586  
**Mahady v. Bushwick R. Co.** (91 N. Y. 148; 43 Am. Rep. 661) 1771, 1858, 1981  
**Mahan v. Union Depot, St. R. & T. Co.** (34 Minn. 29; 24 N. W. 293) 2067  
**Mahaska v. Ingalls** (16 Iowa, 81) 683  
**Maher v. Chicago** (38 Ill. 266) 1182, 1184, 1248, 1252  
**Mahler v. Brumder** (92 Wis. 477; (66 N. W. 502; 31 L. R. A. 695) 1720, 1743  
**Mahnken v. Monmouth County** (62 N. J. L. 404; 41 Atl. 921) 1831  
**Mahomet v. Quackenbush** (117 U. S. 509) 136  
**Mahon v. Board of Education** (68 N. Y. App. Div. 154; 74 N. Y. Supp. 172, aff'd 171 N. Y. 263; 63 N. E. 1107; 89 Am. St. Rep. 810) 228, 750, 752, 754  
 — *v. Columbus* (58 Miss. 310; 38 Am. Rep. 327) 1594  
 — *v. Luzerne County* (197 Pa. 1; 46 Atl. 894) 1753  
 — *v. New York* (10 N. Y. Misc. 664; 31 N. Y. Supp. 676) 2882, 2892  
 — *v. New York Cent. R. Co.* (24 N. Y. 658) 1796, 2011, 2023  
 — *v. Norton* (175 Pa. 279; 34 Atl. 660) 1753  
 — *v. Utica & S. R. Co.* (Hill & D. Suppl. [N. Y.] 156) 1999  
**Mahoney v. American Land & Water Co.** (2 Cal. App. 185; 83 Pac. 267) 2205  
 — *v. Bank of State* (4 Ark. 620) 120  
 — *v. Braverman* (54 Cal. 565) 2634  
 — *v. Metropolitan R. Co.* (104 Mass. 73) 3001



[References are to pages]

- Mahoning County v. Young* (59 Fed. Rep. 96; 16 U. S. App. 253) 464, 902, 1686, 1689, 1763, 1846
- *v. Young* (59 Fed. Rep. 96, rev'g 51 Fed. Rep. 585) 1564
- Main v. Ft. Smith* (49 Ark. 480; 5 S. W. 801) 869
- *v. McCarty* (15 Ill. 441) 675, 981
- Maine v. Grand Trunk R. Co.* (142 U. S. 217) 2334, 2338, 2339, 2353, 2354, 2355
- Maine Cent. R. Co. v. Maine* (96 U. S. 499) 2449, 2450
- Maine Water Co. v. Waterville* (93 Me. 586; 45 Atl. 830) 2153, 2172, 2174
- Maire v. Kruse* (85 Wis. 302; 55 N. W. 389) 1689
- Mairs v. New York* (52 N. Y. App. Div. 343; 65 N. Y. Supp. 160) 1227
- Maish v. Arizona* (164 U. S. 599) 380
- Maize v. State* (4 Ind. 342) 293
- Major v. Aldan Borough* (209 Pa. 247; 58 Atl. 490) 429
- *v. Randolph* (4 Watts & Serg. [Pa.] 514) 2672
- Major Reybold, The* (111 Fed. Rep. 414) 2864, 2868
- Makepeace v. Waterbury* (74 Conn. 360; 50 Atl. 876) 1728
- Makley v. Whitmore* (61 Ohio St. 587; 56 N. E. 461) 2623
- Malchus v. Highlands Dist.* (4 Bush [Ky.] 547) 2504
- Malcolm v. New York Elev. R. Co.* (147 N. Y. 308; 41 N. E. 790) 2043
- Maleverer v. Spinke* (1 Dyer, 36) 2846
- Mall v. Portland* (35 Oreg. 89; 56 Pac. 654) 2624, 2635
- Malloch v. Anderson* (4 Upper Can. Q. B. 481) 1793
- Mallory v. Courtland County* (2 Cowen [N. Y.] 531) 740
- *v. Mallett* (6 Jones Eq. 345) 601
- *v. Saratoga Lake Bridge Co.* (53 N. Y. Misc. 446; 104 N. Y. Supp. 1025) 1086
- Malloy v. Commonwealth* (115 Pa. 25; 7 Atl. 790) 320
- *v. Staten Island R. T. Co.* (78 Hun [N. Y.] 166; 28 N. Y. Supp. 979) 479
- Malone v. Murphy* (2 Kan. 250) 1133
- *v. Philadelphia* (147 Pa. St. 416; 23 Atl. 628) 1237
- *v. Toledo* (28 Ohio St. 643) 1621
- *v. Williams* (118 Tenn. 390; 103 S. W. 798) 63, 137, 143, 333, 517, 598, 611, 689, 717, 721, 730, 735, 842, 2636
- Malone's Estate, In re* (21 S. Car. 435) 143, 183
- Maloney v. Collier* (112 Tenn. 78; 83 S. W. 667) 717
- *v. Cook* (21 R. I. 471; 44 Atl. 692) 2820
- Maloy v. Marietta* (11 Ohio St. 636) 135, 2565
- *v. St. Paul* (54 Minn. 398; 56 N. W. 94) 3001
- Maltbie v. Bolting* (6 N. Y. Misc. 339; 26 N. Y. Supp. 903) 2961
- Maltby v. Chicago & W. M. R. Co.* (52 Mich. 108; 17 N. W. 717) 2077, 2078, 2080
- Maltus v. Shields* (2 Met. [Ky.] 553) 2428
- Manahan v. Watts* (64 N. J. L. 465; 45 Atl. 813) 680, 2732
- Manchester v. Fernald* (71 N. H. 153; 51 Atl. 657) 2651, 2706
- *v. Hartford* (30 Conn. 118) 2973, 2984, 3014, 3021
- *v. Herrington* (10 N. Y. 164) 763
- *v. Hoag* (66 Iowa, 649; 24 N. W. 259) 1743
- *v. Hodge* (74 N. H. 468; 69 Atl. 527) 1897
- *v. Massachusetts* (139 U. S. 240, aff'g 152 Mass. 230; 25 N. E. 113) 486
- *v. Quimby* (60 N. H. 10) 3031
- Manchester Fire Ins. Co. v. Herriott* (91 Fed. Rep. 711) 2354
- Manda v. Orange* (75 N. J. L. 251; 66 Atl. 917) 1646
- Mandel v. Weschler* (128 N. Y. App. Div. 505; 112 N. Y. Supp. 813) 2224, 2489
- Mander v. Coleman* (109 N. Y. App. Div. 454; 95 N. Y. Supp. 696) 358
- Manderschid v. Dubuque* (25 Iowa, 108) 2970, 2975
- *v. Dubuque* (29 Iowa, 73; 4 Am. Rep. 196) 1709, 1710, 1713, 1730, 1831, 2970, 2998, 3032
- Mandeville v. Band* (111 La. 806; 35 So. 915) 945, 949
- *v. Baudot* (49 La. An. 236; 21 So. 258) 2381
- Maneval v. Jackson Tp.* (141 Pa. 426; 21 Atl. 672) 1293
- Mangam v. Sing Sing* (11 N. Y. App. Div. 212; 42 N. Y. Supp. 950) 1899
- *v. Sing Sing* (26 N. Y. App. Div. 464; 50 N. Y. Supp. 647, aff'd 164 N. Y. 560; 58 N. E. 1089) 1897, 1899
- *v. Texas Transportation Co.* (18 Tex. Civ. App. 478; 44 S. W. 998) 1998



## TABLE OF CASES CITED

257

[References are to pages]

- Mangan v. Atterton** (L. R. 1 Ex. 239) 2971  
 — *v. Texas Transp. Co.* (18 Tex. Civ. App. 478; 44 S. W. 998) 1642  
**Manhattan Co., Ex parte** (22 Wend. [N. Y.] 653) 1911  
 — *v. Ironwood* (74 Fed. Rep. 535) 1380, 1385, 1386, 1480  
**Manhattan Manuf. & Fert. Co. v. Van Keuren** (23 N. J. Eq. 251) 1038  
**Manhattan Sav. Bank v. N. Y. National Bank** (42 N. Y. App. Div. 147; 59 N. Y. Supp. 51) 1350  
**Manhattan Sav. Inst. v. East Chester** (44 Hun [N. Y.] 537) 1539  
 — *v. New York Nat'l Exchange Bank* (170 N. Y. 58; 62 N. E. 1079; 88 Am. St. Rep. 640, aff'g 53 N. Y. App. Div. 635; 65 N. Y. Supp. 757) 1351, 1519, 1546  
**Manhattan Transportation Co. v. Mayor, &c.** (37 Fed. Rep. 160) 2905  
**Manhattan Trust Co. v. Dayton** (59 Fed. Rep. 327) 2156  
 — *v. Dayton Nat. Gas Co.* (55 Fed. Rep. 181) 2237  
**Manice v. New York** (8 N. Y. 120) 2399  
**Manigault v. Springs** (199 U. S. 473) 497, 500, 1609, 1632, 1663  
**Manitou v. First Nat. Bank** (37 Colo. 344; 86 Pac. 75) 1291, 1399  
 — *v. International Trust Co.* (30 Colo. 467; 70 Pac. 757) 1743  
**Mankato v. Arnold** (36 Minn. 62; 30 N. W. 305) 1125, 1128  
 — *v. Barber Asphalt Pav. Co.* (142 Fed. Rep. 329) 368, 373, 378, 1215  
 — *v. Fowler* (32 Minn. 364; 20 N. W. 361) 925  
 — *v. Meagher* (17 Minn. 265) 1703, 1757  
 — *v. Warren* (20 Minn. 144) 1743  
 — *v. Willard* (13 Minn. 13; 92 Am. Dec. 208) 1723, 1786  
**Manko v. Chambersburgh** (25 N. J. Eq. 168) 1890, 1892  
**Manley v. Emlen** (46 Kan. 655; 27 Pac. 844) 2115, 2637  
 — *v. Leggett* (62 Hun [N. Y.] 562; 17 N. Y. Supp. 68) 1861  
 — *v. St. Helen's Canal & R. Co.* (2 H. & N. 840) 2918  
**Manly v. Gibson** (13 Ill. 312) 1687, 1690, 1693, 1700  
**Manly Building Co. v. Newton** (114 Ga. 245; 40 S. E. 274) 1213, 1214  
**Manly Mfg. Co. v. Broadus** (94 Va. 547; 27 S. E. 438) 1588  
**Mann v. Bergmann** (203 Ill. 406; 67 N. E. 814) 1716  
 — *v. Jersey City* (24 N. J. L. 662) 2530, 2537  
 — *v. Le Mars* (109 Iowa, 251; 80 N. W. 327) 881  
 — *v. Pentz* (2 Sandf. Ch. [N. Y.] 257) 631  
 — *v. Richardson* (66 Ill. 481) 777  
 — *v. Rochester* (29 Ind. App. 12; 63 N. E. 874) 1221  
**Mannel v. Detroit, Mt. C. & M. C. R. Co.** (139 Mich. 106; 102 N. W. 633) 2007  
**Manners v. Haverhill** (135 Mass. 165) 2874  
**Manning v. Den** (90 Cal. 610; 27 Pac. 435) 2595  
 — *v. Gloucester Fifth Parish* (6 Pick. [Mass.] 6) 881, 889  
 — *v. Lowell* (130 Mass. 21) 3045  
 — *v. Manning* (L. R. 2 P. & D. 223) 637  
 — *v. Mathews* (66 Iowa, 675; 24 N. W. 271) 1515  
 — *v. Springfield* (184 Mass. 245; 68 N. E. 202) 3048  
 — *v. Woodstock* (59 Conn. 224; 22 Atl. 42) 2820, 2821  
**Manns v. Givens** (7 Leigh [Va.] 689) 2647  
**Manny, In re** (14 How. [U. S.] 24) 2647  
**Manrose v. Parker** (90 Ill. 581) 1713  
**Manross v. Oil City** (178 Pa. St. 276; 35 Atl. 959) 3002  
**Mansfield, Ex parte** (106 Cal. 400; 39 Pac. 775) 972, 987  
 — *v. Balliett* (65 Ohio St. 451; 63 N. E. 86; 58 L. R. A. 628) 1608, 1611  
 — *v. Bristor* (76 Ohio St. 270; 81 N. E. 631; 10 L. R. A. N. S. 806; 118 Am. St. Rep. 852) 2842, 3053  
 — *v. Fuller* (50 Mo. 338) 2678  
 — *v. Moore* (124 Ill. 133; 16 N. E. 246) 2976  
 — *v. New York* (165 N. Y. 208; 58 N. E. 889, aff'g 15 N. Y. App. Div. 316; 44 N. Y. Supp. 229) 1271, 1272  
 — *v. New York City* (119 N. Y. App. Div. 199; 104 N. Y. Supp. 386) 1886  
 — *v. People* (164 Ill. 611; 45 N. E. 976) 2454  
**Mansfield & S. R. Co. v. Veeder** (17 Ohio, 385) 1259  
**Manske v. Milwaukee** (123 Wis. 172; 101 N. W. 377) 2894, 2895  
**Manuel v. Commissioners** (98 N. Car. 9; 3 S. E. 829) 63  
 — *v. Cumberland County* (98 N. Car. 9; 3 S. E. 829) 2950

[References are to pages]

Manufacturers' Ins. Co. v. Loud (99 Mass. 146; 96 Am. Dec. 715)	2333	Marion v. Chandler (6 Ala. 899)	1001, 1014, 2396, 2792, 2793
Manufacturers' Land & Imp. Co. v. Camden (71 N. J. L. 490; 59 Atl. 1)	1804	— v. Skillman (127 Ind. 130; 26 N. E. 676)	1736
Manufacturing Co. v. Davis (14 Johns. [N. Y.] 238)	606	Marion & M. R. Co. v. Champlin (37 Kan. 682; 16 Pac. 222)	2377
Many v. Cleveland (19 Ohio Cir. Ct. 58)	1214	Marion Bond Co. v. Blakely (30 Ind. App. 374; 65 N. E. 291; 66 N. E. 71)	2483, 2489, 2626
Marathon School Dist. v. Gage (39 Mich. 484)	742	Marion County v. Clark (94 U. S. 278)	1474, 1475, 1476
Marble v. Worcester (4 Gray [Mass.] 395)	2965, 2969, 2970, 2979	— v. Coler (23 U. S. App. 699)	2315
Marbury v. Madison (1 Cranch [U. S.] 137)	148, 667, 679, 859, 2698, 2709	— v. Harvey County (26 Kan. 181)	137, 380, 1507
March v. Commonwealth (12 B. Mon. [Ky.] 25)	923, 968, 969	— v. Riggs (24 Kan. 255, 257)	66
Marchant v. Langworthy (6 Hill [N. Y.] 646, aff'd 3 Denio [N. Y.] 526)	830	— v. Winkley (29 Kan. 36)	655
— v. Lee Conservancy (L. R. 8 Exch. 290)	752	Marion School City v. Forrest (168 Ind. 94; 78 N. E. 187)	334
— v. Pennsylvania R. Co. (153 U. S. 380, aff'g 119 Pa. 541; 13 Atl. 690)	2027	Marion Water Co. v. Marion (121 Iowa, 306; 96 N. W. 883)	874, 1192, 2294
Marcotte v. Lewiston (94 Me. 233; 47 Atl. 137)	2820	Marionville v. Henson (65 Mo. App. 397)	2580
Marcovitz v. Collins (65 N. J. L. 193; 46 Atl. 758)	961	Mark v. West Troy (151 N. Y. 453; 45 N. E. 842, aff'g 76 Hun [N. Y.] 162; 27 N. Y. Supp. 543)	1706, 1743, 1757
Marcum v. Lincoln, L. M. & W. Counties (42 W. Va. 263; 26 S. E. 281)	2657	Market v. St. Louis (56 Mo. 189)	2984, 3019, 3021
Marcy v. Oswego (92 U. S. 637)	1420, 1425, 1429, 1430, 1431, 1461, 1466, 1469, 1471	Market Nat'l Bank v. Pacific Nat'l Bank (89 N. Y. 397)	643
— v. Taylor (19 Ill. 634)	1713	Market St. R. Co. v. Central R. Co. (51 Cal. 583)	1982, 1983
Marcy Tp., <i>In re</i> (10 Kulp. [Pa.] 43)	2676	Markey v. Queens County (154 N. Y. 675; 49 N. E. 71; 39 L. R. A. 46)	2856
Marden v. Portsmouth (59 N. H. 18)	734	— v. Sheridan School Dist. (58 Neb. 479; 78 N. W. 932)	1285
Mareck v. Chicago (89 Ill. App. 358)	3019	Markham v. Anamosa (122 Iowa, 689; 98 N. W. 493)	873, 1897, 1903, 2927
Maricopa County v. Burnett (8 Ariz. 242; 71 Pac. 908)	441	— v. Atlanta (23 Ga. 402)	1819, 2925
Marietta v. Fearing (4 Ohio, 427)	144, 926, 944, 963	Markin v. Crumbie (35 N. Y. Supp. 1027; 14 N. Y. Misc. 439)	2985
Marietta Chair Co. v. Henderson (121 Ga. 399; 49 S. E. 312; 104 Am. St. Rep. 156)	1644, 1835, 1837, 1838, 1845	Markle v. Akron (14 Ohio, 586)	458, 901, 944, 1133
Marin County Water Co. v. Marin County (145 Cal. 586; 79 Pac. 282)	1619	— v. Wright (13 Ind. 548)	838, 2729
Marine v. Lyon (62 Fed. Rep. 153)	1317	Markley v. Cape May Point (55 N. J. Law, 104; 25 Atl. 259)	792, 809
Mariner v. Mackey (25 Kan. 669)	1587	— v. Mineral City (58 Ohio St. 430; 51 N. E. 28; 65 Am. St. Rep. 776)	449, 1581, 2098
Marinette v. Oconto County (47 Wis. 216; 2 N. W. 314)	1310	— v. People (171 Ill. 260; 49 N. E. 502; 63 Am. St. Rep. 234)	2625
Marini v. Graham (67 Cal. 130; 7 Pac. 442)	1787	Markwardt v. Guthrie (18 Okla. 32; 90 Pac. 26; 9 L. R. A. n. s. 1150)	3053

## TABLE OF CASES CITED

259

[References are to pages]

- Marmet v. State* (45 Ohio St. 63; 12 N. E. 463) 250, 280, 285, 998, 1850, 2470
- Marquez v. New Orleans* (13 La. An. 319) 2578
- Marquis v. Santa Ana* (103 Cal. 661; 37 Pac. 650) 734
- Marquis of Stafford v. Coyney* (7 B. & C. 259) 1707
- Marr v. Vienna* (10 Up. Can. L. J. 275) 637
- Marriage v. Lawrence* (3 B. & Ald. 144) 888
- Marriott v. Baltimore* (9 Md. 160) 2884
- *v. Hampton* (2 Esp. 546; s. c. 2 Smith Leading Cases, 237) 2826, 2834
- *v. Stanley* (1 M. & G. 568) 2971
- Marseilles v. Howland* (124 Ill. 547; 16 N. E. 883) 1804
- Marsh v. Brooklyn* (59 N. Y. 280) 1656, 2786
- *v. Fairbury* (163 Ill. 401; 45 N. E. 236) 1690, 1718, 1723, 1747
- *v. Fulton County* (10 Wall. [U. S.] 676) 580, 581, 583, 1154, 1156, 1179, 1191, 1195, 1403, 1420, 1436, 1439, 1473, 1479, 1516, 1531, 1536, 1543, 1544, 1548, 1549, 2681
- *v. Hanly* (111 Cal. 368; 43 Pac. 975) 271, 326
- *v. Little Valley* (64 N. Y. 112) 2678
- *v. Milwaukee L. H. & Tr. Co.* (134 Wis. 384; 114 N. W. 804) 2031
- *v. Philadelphia* (8 Pa. Dist. R. 340) 3022, 3024
- *v. Russell* (66 N. Y. 288) 1166
- Marshall v. Allegheny City* (59 Pa. St. 455) 895, 945
- *v. Anderson* (78 Mo. 85) 1703, 1718
- *v. Bayonne* (59 N. J. L. 101; 34 Atl. 1080) 1973
- *v. Belle Plaine* (106 Iowa, 508; 76 N. W. 797) 3001
- *v. Buffalo* (176 N. Y. 545; 68 N. E. 1119; s. c. 50 N. Y. App. Div. 149; 64 N. Y. Supp. 411; 63 N. Y. App. Div. 603; 71 N. Y. Supp. 719) 2850, 2851
- *v. Cadwalader* (36 N. J. L. 283) 981
- *v. Chicago* (77 Ill. App. 351) 2926
- *v. Elgin* (8 Fed. Rep. 783) 1526
- *v. Ellwood City* (189 Pa. 348; 41 Atl. 994) 1144
- *v. Guion* (11 N. Y. 461) 513
- *v. Hayward* (74 N. Y. App. Div. 27; 77 N. Y. Supp. 57) 674
- *v. Illinois State Reformatory* (103 Ill. App. 65) 2672, 2731, 2747
- Marshall v. Kerns* (2 Swan [Tenn.] 68) 634
- *v. Leavenworth* (44 Kan. 459; 24 Pac. 975) 2599
- *v. Nashville* (109 Tenn. 495; 71 S. W. 815) 212, 926, 1216, 1217, 1218
- *v. San Antonio* ([Tex. Civ. App.], 63 S. W. 138) 1164, 1280
- *v. Silliman* (61 Ill. 218) 232, 585, 641, 1525, 2388, 2770
- *v. Smith* (L. R. 8 C. P. 416) 956
- *v. Vicksburg* (15 Wall. [U. S.] 146) 2574
- *v. Walker* (93 Me. 532; 45 Atl. 497) 485
- Marshall County v. Cook* (38 Ill. 44) 584, 634, 1339, 1481, 1535
- *v. Knoll* (102 Iowa, 573; 69 N. W. 1146; 71 N. W. 571) 2479
- *v. Schenck* (5 Wall. [U. S.] 772) 1350, 1364, 1420, 1424, 1437, 1461, 1472, 1526, 1530, 1536
- Marshall County Court v. Callaway County Court* (2 Bush [Ky.] 93) 625
- Marshalltown v. Blum* (58 Iowa, 184; 12 N. W. 266; 43 Am. Rep. 115) 318, 930, 931
- *v. Forney* (61 Iowa, 578; 16 N. W. 740) 1835, 1839
- Marshfield v. Wisconsin Tel. Co.* (102 Wis. 604; 78 N. W. 735) 2061, 2065
- Martel v. East St. Louis* (94 Ill. 67) 984, 1893
- Martens v. People* (186 Ill. 314; 57 N. E. 871) 1021, 1907, 1990
- *v. People* (85 Ill. App. 66) 2740
- Marth v. Kingfisher* (22 Okla. 602; 98 Pac. 436; 18 L. R. A. n. s. 1238) 2841, 2869, 2980
- Martin, In re* (27 Ark. 467) 927
- (62 Kan. 638; 64 Pac. 43) 2378, 2463, 2464, 2465, 2470, 2473
- Martin v. Baltimore & O. R. Co.* (151 U. S. 673) 2358
- *v. Branch Bank* (15 Ala. 587; 1 Am. Rep. 147) 1581
- *v. Brooklyn* (32 N. Y. App. Div. 411; 52 N. Y. Supp. 1086) 3044
- *v. Brooklyn* (1 Hill [N. Y.] 541) 183, 464, 776, 1179, 1180, 1182, 1651
- *v. Brooklyn* (1 Hill [N. Y.] 545) 2850, 2903, 3054
- *v. Caddo Par. Police Jury* (32 La. An. 1022) 1325
- *v. Carron* (26 N. J. L. 228) 2510
- *v. Chicago, B. & Q. R. Co.* (87 Ill. App. 208) 1858

[References are to pages]

- Martin v. Clark** (135 N. Car. 178; 47 S. E. 397) 1292
- *v. District of Columbia* (205 U. S. 135, rev'g 26 App. D. C. 140) 1609, 2493, 2523
- *v. Dix* (52 Miss. 53; 24 Am. Rep. 661) 144, 2425
- *v. Election Com'rs* (126 Cal. 404; 58 Pac. 932) 115
- *v. Evansville* (32 Ind. 85) 484, 514, 1700
- *v. Gleason* (139 Mass. 183; 29 N. E. 664) 1633
- *v. Godd* (31 Iowa, 75) 2460
- *v. Heckman* (1 Alaska, 165) 483
- *v. Ivins* (59 N. J. L. 364; 36 Atl. 93) 287
- *v. Kearney County* (62 Neb. 538; 87 N. W. 351) 2829
- *v. Lemon* (26 Conn. 192) 848, 849
- *v. Louisville* (97 Ky. 30; 29 S. W. 864) 1837
- *v. Marks* (154 Ind. 549; 57 N. E. 249) 1790
- *v. New York City* (176 N. Y. 371; 68 N. E. 640, aff'g 82 N. Y. App. Div. 35; 81 N. Y. Supp. 412) 744, 746
- *v. O'Brien* (34 Miss. 21) 476
- *v. Oskaloosa* (126 Iowa, 680) 102 N. W. 529) 898
- *v. People* (87 Ill. 524) 60
- *v. San Francisco* (16 Cal. 285) 1288, 1298, 1299
- *v. St. Joseph* (136 Mo. App. 316; 117 S. W. 94) 3056
- *v. State* (89 Ala. 115; 8 So. 23; 18 Am. St. Rep. 91) 675
- *v. Territory* (5 Okla. 188; 48 Pac. 106) 353
- *v. Tripp* (51 Mich. 184; 16 N. W. 330) 2648
- *v. Tyler* (4 N. Dak. 278; 60 N. W. 392; 25 L. R. A. 838) 1343
- *v. Waddell* (16 Pet. [U. S.] 367) 493
- *v. Wagner* (120 Cal. 623; 53 Pac. 167) 2529
- *v. Whitman County* (1 Wash. 533; 20 Pac. 599) 1245
- *v. Williamsport* (208 Pa. 590; 57 Atl. 1063) 1819
- *v. Wills* (157 Ind. 153; 60 N. E. 1021) 2534, 2623
- Martin's Ex'r v. Slaughter** ([Ky.], 50 S. W. 27) 2489
- Martindale v. Palmer** (52 Ind. 411) 669, 834, 910, 913, 949, 985
- Martini, Ex parte** (23 Fla. 343; 2 So. 689) 962
- Martinovitch v. Wooley** (128 Cal. 141; 60 Pac. 760) 3034
- Martinsville v. Shirley** (84 Ind. 546) 2865
- Marvin v. Jacobs** (77 Wis. 31; 45 N. W. 679) 1305
- *v. New Bedford* (158 Mass. 464; 33 N. E. 605) 2961
- Marvin Safe Co. v. New York** (38 Hun [N. Y.] 146) 990
- Mary, Succession of** (2 Rob. [La.] 438) 1578
- Mary K. Campbell, The** (24 Blatchf. C. C. 475; 31 Fed. Rep. 840) 504
- Marye v. Baltimore & O. R. Co.** (127 U. S. 117) 2333, 2340, 2341
- Maryland v. Baltimore & O. R. Co.** (3 How. [U. S.] 534) 961
- Maryland Pav. Co. v. Mahool** (110 Md. 397; 72 Atl. 833) 2658
- Marx v. Brogan** (188 N. Y. 431; 81 N. E. 231, rev'g 111 N. Y. App. Div. 480; 98 N. Y. Supp. 88) 1069
- *v. Croisan* (17 Oreg. 393; 21 Pac. 310) 441
- Mason v. Ashland** (98 Wis. 540; 74 N. W. 357) 2814, 2822
- *v. Bristol* (10 N. H. 36) 1176
- *v. Caffrey* (9 Kulp [Pa.] 414) 2786
- *v. Chicago* (178 Ill. 499; 53 N. E. 354) 2620, 2623
- *v. Cumberland* (92 Md. 451; 48 Atl. 136) 964, 1850
- *v. Des Moines* (108 Iowa, 658; 79 N. W. 389) 2629
- *v. Ellsworth* (32 Me. 271) 3005, 3021
- *v. Fearson* (9 How. [U. S.] 248) 466
- *v. Kennebec & P. R. Co.* (31 Me. 215) 2915
- *v. Lancaster* (4 Bush [Ky.] 406) 2462, 2468, 2469
- *v. Muncaster* (9 Wheat. [U. S.] 445) 1556
- *v. Ohio Riv. R. Co.* (51 W. Va. 183; 41 S. E. 418) 1784, 1990, 2077, 2082, 2714
- *v. Pitt* (21 Mo. 391) 621
- *v. Purdy* (11 Wash. 591; 40 Pac. 130) 1303, 1304
- *v. Shawneetown* (77 Ill. 533) 902
- *v. Sioux Falls* (2 S. Dak. 640; 51 N. W. 770; 39 Am. St. Rep. 802) 1713
- *v. Spencer* (35 Kan. 512; 11 Pac. 402) 232, 2526, 2617, 2622, 2636
- Mason City & F. D. R. Co. v. Wolf** (148 Fed. Rep. 961) 1611

[References are to pages]

- Mason City S. & M. Co. v. Mason* (23 W. Va. 211) 1895, 2753  
*Massachusetts v. Western Union Tel. Co.* (141 U. S. 40) 2333, 2334, 2349  
*Massachusetts & S. Const. Co. v. Cane Creek Township* (45 Fed. Rep. 336) 385, 404  
*Massachusetts Central R. Co. v. Boston, C. & F. R. Co.* (121 Mass. 124) 1616  
*Massachusetts General Hospital v. Somerville* (101 Mass. 319) 2446  
*Massey, Ex parte* ([Tex. Crim. Rep.], 92 S. W. 1083) 262, 278  
 — *v. Columbus* (75 Ga. 658) 2998  
 — *v. People* (201 Ill. 409; 66 N. E. 392) 2734  
*Massing v. Ames* (37 Wis. 645) 2451  
*Massinger v. Millville* (63 N. J. L. 123; 43 Atl. 443) 952, 955, 988  
*Masters v. Bowling Green* (101 Fed. Rep. 101) 2878  
 — *v. Troy* (50 Hun [N. Y.] 485; 3 N. Y. Supp. 450) 3003  
 — *v. Warren* (27 Conn. 293) 3004  
*Masterson v. Mt. Vernon* (58 N. Y. 391) 2843  
*Mathe v. Plaquemines* (28 La. An. 77) 1340  
*Matheny v. Golden* (5 Ohio St. 375) 464  
*Mather v. Brown* (L. R. 1 C. P. Div. 596) 644  
 — *v. Chapman* (40 Conn. 382; 16 Am. Rep. 46) 483  
 — *v. Crawford* (36 Barb. [N. Y.] 564) 1809  
 — *v. Ottawa* (114 Ill. 659; 3 N. E. 216) 544, 578, 2388, 2390  
 — *v. San Francisco* (115 Fed. Rep. 37) 1389, 1390, 2690  
*Matheson v. Caminade* (55 N. J. L. 4; 25 Atl. 933) 283  
*Mathews v. Biddulph* (3 M. & G. 390) 676  
 — *v. Kelsey* (58 Me. 56; 4 Am. Rep. 248) 1858, 1861, 1972  
*Mathis v. Rose* (64 N. J. L. 45; 44 Atl. 875, aff'd 64 N. J. L. 726; 49 Atl. 1135) 668  
 — *v. Runnels County* (30 U. S. App. 20) 882  
*Matkin v. Marengo County* (137 Ala. 155; 34 So. 171) 1286  
*Matteson v. Whaley* (20 R. I. 412; 39 Atl. 754) 1897, 1903  
*Matthews v. Alexandria* (68 Mo. 115) 461, 464, 506, 1581, 1583, 1758, 2404  
 — *v. Barraboo* (39 Wis. 674) 2975  
*Matthews v. Kimball* (70 Ark. 451; 66 S. W. 651; 69 S. W. 547) 2373, 2374, 2532, 2605  
 — *v. North Carolina Corp. Com'rs* (106 Fed. Rep. 7) 2288  
 — *v. Toledo* (21 Ohio Cir. Ct. R. 69) 2974, 3020  
*Matthiessen & H. Zinc Co. v. La Salle* (117 Ill. 411; 2 N. E. 406; 8 N. E. 81) 1688, 1690, 1691, 1705, 1845  
*Matthiessen & W. Sugar Ref. Co. v. Jersey City* (26 N. J. Eq. 247) 1804, 2748  
*Matthis v. Cameron* (62 Mo. 504) 1295, 2791  
*Mattingly v. District of Columbia* (97 U. S. 687) 232, 2320, 2493, 2520, 2523, 2635  
 — *v. Plymouth* (100 Ind. 545) 1820, 2923, 2925  
*Matton v. Faller* (217 Ill. 273; 75 N. E. 387) 3001  
*Mattoon v. Russell* (91 Ill. App. 252) 3019  
 — *v. Worland* (97 Ill. App. 13) 2974, 2999  
*Mattox v. Knox* (96 Ga. 403; 23 S. E. 307) 258, 320  
 — *v. State* (115 Ga. 212; 41 S. E. 709) 143  
*Matts v. Hawkins* (5 Taunt. [Mass.] 20) 568  
*Mattson v. Astoria* (39 Oreg. 577; 65 Pac. 1066; 87 Am. St. Rep. 687) 770, 775  
*Mau v. Liddle* (15 Nev. 271) 2657  
*Mauch v. Hartford* (112 Wis. 40; 87 N. W. 816) 3021  
*Mauch Chunk v. Kline* (100 Pa. 119; 45 Am. Rep. 364) 2966  
*Mauch Chunk v. Shortz* (61 Pa. St. 399) 1816, 2496  
*Mauldin v. Greenville* (33 S. C. 1; 11 S. E. 434; 8 L. R. A. 291) 2120  
 — *v. Greenville* (42 S. Car. 293; 20 S. E. 842; 27 L. R. A. 284; 46 Am. St. Rep. 723) 2495  
 — *v. Greenville* (53 S. Car. 285; 31 S. E. 252; 43 L. R. A. 101; 69 Am. St. Rep. 855) 2496  
*Maultby v. Leavenworth* (28 Kan. 745) 3001  
*Maupin v. Franklin Co.* (67 Mo. 327) 1180  
*Maurin v. Smith* (8 R. I. 192; 5 Am. Rep. 564) 2660  
*Maus v. Springfield* (101 Mo. 613; 14 S. W. 630; 20 Am. St. Rep. 634) 2975, 2997  
*Maverick Oil Co. v. Hanson* (67 N. H. 203; 29 Atl. 461) 2668



[References are to pages]

- Maxcy v. Williamson County (72 Ill. 207) 1483  
 Maximilian v. New York (62 N. Y. 160; 20 Am. Rep. 468) 182, 190, 2866, 2880, 2881, 2885, 2893, 2894, 2895, 2899  
 Maxon v. School District (5 Wash. 142; 31 Pac. 462; 32 Pac. 110) 348  
 Maxwell v. Bay City Bridge Co. (41 Mich. 453; 2 N. W. 639) 486  
 — v. Central Dist. & Ptg. Tel. Co. (51 W. Va. 121; 41 S. E. 125) 1930  
 — v. Jonesboro (11 Heisk. [Tenn.] 257) 1018  
 — v. San Francisco (139 Cal. 229; 72 Pac. 996) 2671  
 — v. Stanislaus County (53 Cal. 389) 1197, 2796  
 — v. Willis (123 Ga. 319; 51 S. E. 416) 2460  
 May v. Anaconda (26 Mont. 140; 66 Pac. 759) 2975  
 — v. Bermel (20 N. Y. App. Div. 53; 46 N. Y. Supp. 622) 655, 656  
 — v. Boston (150 Mass. 517; 23 N. E. 220) 2819  
 — v. Boston (158 Mass. 21; 32 N. E. 902) 1675  
 — v. Brooklyn (19 N. Y. Supp. 670) 2975  
 — v. Cass County (12 N. Dak. 137; 96 N. W. 292) 1401, 1414  
 — v. Chicago (222 Ill. 595; 78 N. E. 912, aff'g 124 Ill. App. 527) 1178  
 — v. Detroit (2 Mich. C. C. Rep. 230) 1197  
 — v. Gloucester (174 Mass. 583; 55 N. E. 465) 1190  
 — v. Holdridge (23 Wis. 93) 232  
 — v. Juneau County (30 Fed. Rep. 241) 2867  
 — v. Logan County (30 Fed. Rep. 250) 2866  
 — v. Mercer County (30 Fed. Rep. 247) 2866  
 — v. Milwaukee & Miss. R. Co. (3 Wis. 219) 1668  
 — v. New Orleans (178 U. S. 496) 2320, 2335  
 — v. People (1 Colo. App. 157; 27 Pac. 1010) 935  
 — v. Princeton (11 Met. [Mass.] 442) 2969  
 — v. School Dist. (22 Neb. 205; 34 N. W. 377; 3 Am. St. Rep. 266) 1888  
 Mayall v. St. Paul (30 Minn. 294; 15 N. W. 170) 2748  
 Mayberry v. Standish (56 Me. 342) 1727  
 Maydwell v. Louisville (116 Ky. 885; 76 S. W. 1091; 105 Am. St. Rep. 245) 2584  
 Mayer, *In re* (50 N. Y. 504) 138  
 — v. New York City (63 N. Y. 455) 1249, 2627, 2832  
 — v. New York City (101 N. Y. 284; 4 N. E. 336) 2599  
 Mayes v. St. Louis, K. & N. W. R. Co. (71 Mo. App. 140) 441  
 Mayfield v. Moore (53 Ill. 428; 5 Am. Rep. 52) 748  
 Mayhew v. Gay Head (13 Allen [Mass.] 129) 881, 882, 873  
 — v. Sutton (86 L. T. n. s. 18) 1089  
 Maylone v. St. Paul (40 Minn. 406; 42 N. W. 88) 2817  
 Maynard v. Northampton (157 Mass. 218; 31 N. E. 1062) 1674  
 Mayo v. Dover & F. V. Fire Co. (96 Me. 539; 53 Atl. 62) 449, 1595, 2110, 2128, 2188, 2195  
 — v. James (12 Gratt. [Va.] 17) 1657, 2799, 2800  
 — v. Murchie (3 Munf. [Va.] 358) 1706  
 — v. Springfield (136 Mass. 10) 1622  
 — v. Washington (122 N. Car. 5; 29 S. E. 343; 40 L. R. A. 163) 427  
 Mayor v. Colgate (12 N. Y. 146) 139  
 — v. Hart (95 N. Y. 443) 513  
 — v. Second Ave. R. R. Co. (32 N. Y. 261) 191  
 Mayor of Durham's Case (1 Sid. 33) 715, 2672  
 Mayrant v. Columbia (77 S. Car. 281; 10 L. R. A. n. s. 1094) 3052, 3060  
 — v. Columbia (82 S. Car. 273; 64 S. E. 416) 3055  
 Mays v. Cincinnati (1 Ohio St. 268) 451, 923, 998, 1009, 2375, 2399, 2400, 2831, 2832, 2835  
 Maysville v. Guilfoyle (110 Ky. 670; 62 S. W. 493) 2970, 2973  
 — v. Maysville St. R. & T. Co. (128 Ky. 673; 108 S. W. 960) 2593  
 — v. Shultz (3 Dana [Ky.] 10) 445  
 — v. Wood (102 Ky. 263; 43 S. W. 403; 80 Am. St. Rep. 355) 1579, 1580, 1755  
 Maysville & L. T. R. Co. v. Wiggins (104 Ky. 540; 47 S. W. 434) 291  
 Maywood Co. v. Maywood (118 Ill. 61; 6 N. E. 866) 1688, 1690, 1706, 1748  
 — v. Maywood (140 Ill. 216; 29 N. E. 704) 1627, 1816, 2615  
 Mazet v. Pittsburgh (137 Pa. 548; 20 Atl. 693) 1198, 1212, 1213, 1224, 2771



## TABLE OF CASES CITED

263

[References are to pages]

- Meacham v. Seattle** (45 Wash. 380; 88 Pac. 628) 1689, 1718  
**Meachem v. Fitchburg R. Co.** (4 Cush. [Mass.] 291) 1678  
**Mead, In re** (74 N. Y. 216) 1771, 2477, 2773  
**— v. Acton** (139 Mass. 341; 1 N. E. 413) 229, 568, 751, 752, 2314, 2774  
**— v. Ballard** (7 Wall. [U. S.] 290) 1562  
**— v. Boston** (3 Cush. [Mass.] 404) 550  
**— v. Chicago** (186 Ill. 54; 57 N. E. 824) 2453  
**— v. Derby** (40 Conn. 205) 1798  
**— v. New Haven** (40 Conn. 72; 16 Am. Rep. 14) 2870, 2885  
**— v. Portland** (45 Oreg. 1; 76 Pac. 347, aff'd 200 U. S. 148) 508, 513, 1780, 1819, 1835, 2931  
**— v. Turner** (134 N. Y. App. Div. 691; 119 N. Y. Supp. 526) 2612  
**Meadowcroft v. People** (154 Ill. 416; 40 N. E. 442) 2453  
**Meadville v. Dickson** (129 Pa. 1; 18 Atl. 513) 295  
**Meagher v. Storey Co.** (5 Nev. 244) 732, 1119  
**Mealey v. Hagerstown** (92 Md. 741; 48 Atl. 746) 1180, 1192, 2120, 2153  
**Mealing v. Augusta** (Dud. [Ga.] 221) 2800  
**Means v. Hendershott** (24 Iowa, 78) 552  
**Meares v. Wilmington** (9 Ired. L. 73; 49 Am. Dec. 412) 2933, 3046, 3054  
**Mears v. Graham** (8 Blackf. [Ind.] 144) 544  
**— v. Spokane** (22 Wash. 323; 60 Pac. 1127) 2821  
**Mearshon v. Pottsville Lumber Co.** (187 Pa. 12; 40 Atl. 1019) 2327  
**Meath v. Phillips County** (108 U. S. 553) 1390  
**Mecartney v. People** (202 Ill. 51; 66 N. E. 873) 2480  
**Mechanics' & T. Bank v. Bridges** (30 N. J. L. 112) 445, 446  
**Mechanics & Traders' Nat. Bank v. Winant** (123 N. Y. 265; 25 N. E. 262) 1272  
**Mechanics' Bank v. Kansas City** (73 Mo. 555) 2786  
**— v. New York & N. H. R. R. Co.** (13 N. Y. 599) 2412  
**Mechanicsburg v. Meredith** (54 Ill. 84) 1832, 2951  
**Mechanicville v. Stillwater & M. R. Co.** (35 N. Y. Misc. 513; 71 N. Y. Supp. 1102, aff'd 67 N. Y. App. Div. 628; 74 N. Y. Supp. 1149; 174 N. Y. 507; 66 N. E. 1117) 1952  
**Meday v. Rutherford** (52 N. J. L. 499; 19 Atl. 972) 2601  
**— v. Rutherford** (65 N. J. L. 645; 48 Atl. 529) 450  
**Medical Institute v. Patterson** (1 Denio [N. Y.] 61; s. c. aff'd 5 Denio [N. Y.] 618) 121  
**Medina v. Perkins** (48 Mich. 67; 11 N. W. 810) 1833  
**Medland v. Connell** (57 Neb. 10; 77 N. W. 437) 2530, 2609  
**— v. Linton** (60 Neb. 249; 82 N. W. 866) 2426, 2530, 2537  
**Medway Cotton Manuf. Co. v. Adams** (10 Mass. 360) 609  
**Meech v. Buffalo** (29 N. Y. 198) 1235, 1239  
**Meehan v. Bachelder** (73 N. H. 113; 59 Atl. 620) 2728, 2731, 2740  
**— v. Flaherty** (119 N. Y. App. Div. 128; 103 N. Y. Supp. 1058) 802  
**Meek v. Whitechapel Bd. of Works** (2 F. & F. 144) 3054  
**Meeker v. Chicago** (96 Ill. App. 23) 1651, 1661  
**— v. Van Rensselaer** (15 Wend. [N. Y.] 397) 885, 1031, 1038  
**Meffert v. Medical Board** (66 Kan. 710; 72 Pac. 247) 784  
**Meggett v. Eau Claire** (81 Wis. 326; 51 N. W. 566) 2365, 2542, 2617  
**Megowan v. Commonwealth** (2 Met. [Ky.] 3) 1012, 1018  
**Mehan v. Hudson** (46 N. J. Law, 276) 744  
**Meier v. Portland Cable R. Co.** (16 Oreg. 500; 19 Pac. 610) 1716, 1736, 1737  
**— v. St. Louis** (180 Mo. 391; 79 S. W. 955) 2367, 2370, 2386, 2503, 2527  
**Meiners v. St. Louis** (130 Mo. 274; 32 S. W. 637) 1727, 2975  
**Meinzer v. Racine** (68 Wis. 241; 32 N. W. 139) 2922  
**— v. Racine** (70 Wis. 561; 36 N. W. 260) 2922  
**Meisner v. Dillon** (29 Mont. 116; 74 Pac. 130) 2970  
**Meissner v. Toledo** (31 Ohio St. 387) 2495  
**Melenbacker v. Salamanca** (188 N. Y. 370, aff'g 116 N. Y. App. Div. 691; 101 N. Y. Supp. 1073) 1821, 1823  
**Melick v. Washington** (47 N. J. L. 254) 955  
**Melker v. New York City** (190 N. Y. 481; 83 N. E. 565; 16 L.

[References are to pages]

- R. A. N. s. 621, *aff'g* 117 N. Y. App. Div. 923; 103 N. Y. Supp. 1133) 1865, 2982
- Mellen *v.* Lansing (20 Blatchf. [Ind.] 278) 1537
- *v.* Western R. Co. (4 Gray [Mass.] 301) 3054
- Mellichar *v.* Iowa City (116 Iowa, 390; 90 N. W. 86) 1652
- Mellinger *v.* Houston (68 Tex. 37; 3 S. W. 249) 1901, 2480
- Mellon *v.* Pittsburgh (31 Leg. Int. [Pa.] 212) 2394
- Mellor *v.* Philadelphia (160 Pa. St. 614; 28 Atl. 991) 1606
- Melody *v.* Goodrich (67 N. Y. App. Div. 368; 73 N. Y. Supp. 741) 2773
- Melon Street, *In re* (182 Pa. 397; 38 Atl. 482) 1843
- Melvin *v.* Lisenby (72 Ill. 63; 22 Am. Rep. 141) 655, 656, 1536, 1545
- Melvin's Case (68 Pa. St. 333) 634
- Memphis *v.* Adams (9 Heisk. [Tenn.] 518; 24 Am. Rep. 331) 453, 631, 1243, 1244, 1246
- *v.* Battaile (8 Heisk. [Tenn.] 524; 24 Am. Rep. 285) 1855
- *v.* Brown (97 U. S. 300) 1250, 2692
- *v.* Brown (20 Wall. [U. S.] 289) 740, 1233, 1243, 1245, 1246, 1248, 1250, 1352
- *v.* Fisher (9 Baxt. [Tenn.] 239) 333
- *v.* Hernando Ins. Co. (6 Baxt. [Tenn.] 527) 2397
- *v.* Kimbrough (12 Heisk. [Tenn.] 133) 516, 2904
- *v.* Laski (9 Heisk. [Tenn.] 511; 24 Am. Rep. 327) 470
- *v.* Lasser (9 Humph. [Tenn.] 757) 3054
- *v.* Lenore (6 Coldw. [Tenn.] 412) 1892, 1897
- *v.* Looney (9 Baxt. [Tenn.] 130) 1901, 1902, 2480
- *v.* Memphis Water Co. (5 Heisk. [Tenn.] 495) 2109
- *v.* O'Connor (53 Mo. 468) 980
- *v.* Postal Tel. Cable Co. (145 Fed. Rep. 602) 2072
- *v.* Ray (19 Wall. [U. S.] 468) 1181
- *v.* United States (97 U. S. 293) 2692
- *v.* Winfield (8 Humph. [Tenn.] 707) 925, 929
- *v.* Woodward (12 Heisk. [Tenn.] 499; 27 Am. Rep. 750) 717, 747
- *v.* Wright (6 Yerg. [Tenn.] 497; 27 Am. Dec. 489) 1756
- Memphis & C. R. Co. *v.* Gaines (97 U. S. 697) 2445
- *v.* Neighbors (51 Miss. 412) 1562
- *v.* Payne (37 Miss. 700) 1659
- Memphis & L. R. Co. *v.* Railroad Com'rs (112 U. S. 609) 2450
- Memphis & St. L. Packet Co. *v.* Gray (9 Bush [Ky.] 137) 513, 1716, 1722
- Memphis Bell Tel. Co. *v.* Hunt (16 Lea [Tenn.] 456; 1 S. W. 159; 57 Am. Rep. 237) 1098
- Memphis City R. Co. *v.* Memphis (4 Coldw. [Tenn.] 406) 1977, 1979
- Memphis Freight Co. *v.* Memphis (4 Coldw. [Tenn.] 419) 1638, 1641
- Memphis Gas Light Co. *v.* Shelby County Tax Dist. (109 U. S. 398) 2443, 2476
- Memphis, K. & C. R. Co. *v.* Thompson (24 Kan. 170) 1534
- Memphis, P. P. & B. R. Co. *v.* State (87 Tenn. 746; 11 S. W. 946) 2078, 2080
- Memphis Trust Co. *v.* St. Francis Levee Dist. (69 Ark. 284; 62 S. W. 902) 59, 62, 63, 2374
- Menasha *v.* Hazard (102 U. S. 81) 1420, 1489, 1515, 1516
- Menasha Wooden Ware Co. *v.* Lawson (70 Wis. 600; 36 N. W. 412) 503
- Mendel *v.* Wheeling (28 W. Va. 233; 57 Am. Rep. 665) 182, 200, 2302, 2303
- Mendenhall *v.* Burton (42 Kan. 570; 22 Pac. 558) 121, 2377, 2425
- Mendota *v.* Thompson (20 Ill. 197) 121, 590, 984
- Menefee *v.* Bell (62 Mo. App. 659) 2455
- Menominee Water Co. *v.* Menominee (124 Mich. 386; 83 N. W. 127) 435
- Mentz *v.* Cook (108 N. Y. 504; 15 N. E. 541) 1439, 1539
- Menzie *v.* Greensburg (42 Ind. App. 657; 85 N. E. 484) 2604
- Mercantile Bank *v.* New York (121 U. S. 138) 2422
- Mercantile T. & D. Co. *v.* Collins Park & B. R. Co. (99 Fed. Rep. 812) 2258
- Mercantile Trust & Deposit Co. *v.* Collins Park & B. R. Co. (101 Fed. Rep. 347) 1952, 1956, 1980, 1985
- *v.* Columbus (161 Fed. Rep. 135) 2113, 2130, 2163, 2181
- Mercantile Trust Co. *v.* Denver (161 Fed. Rep. 769) 1985, 2060
- *v.* Texas & P. R. Co. (51 Fed. Rep. 529) 2250
- Mercer *v.* Corbin (117 Ind. 450; 20

[References are to pages]

- N. E. 132; 3 L. R. A. 221; 10  
Am. St. Rep. 76) 1084
- Mercer v. Floyd* (24 N. Y. Misc.  
164; 53 N. Y. Supp. 433) 2779
- *v. Pittsburgh & Ft. W. & C.*  
R. Co. (36 Pa. St. 99) 196, 1644,  
1771, 1847, 1933, 1972, 1979
- *v. Woodgate* (L. R. 5 Q. B. 26)  
1696
- Mercer Bor. Road, Re* (14 Serg.  
& R. [Pa.] 447) 1799
- Mercer County v. Hackett* (1 Wall.  
[U. S.] 83) 570, 1325, 1350, 1383,  
1401, 1407, 1409, 1420, 1424, 1428,  
1435, 1437, 1438, 1439, 1461, 1471,  
1533, 1534, 1535
- *v. Hubbard* (45 Ill. 139) 1536
- *v. Jackson* (54 Ill. 397) 3026
- *v. Philadelphia Provident Life*  
& Tr. Co. (72 Fed. Rep. 623) 1461,  
1473
- *v. Pittsburgh & Erie R. Co.*  
(27 Pa. St. 389) 1377, 1383, 1533
- Mercer County Traction Co. v.*  
*United New Jersey R. & C. Co.*  
(64 N. J. Eq. 588; 54 Atl. 519) 1963,  
1964
- *v. United New Jersey R. & C.*  
*Co.* (68 N. J. Eq. 715, rev'g 65  
N. J. Eq. 574) 1968
- Merchants' & M. Bank v. Penn-*  
*sylvania* (167 U. S. 461) 2366
- Merchants & Traders' Nat. Bank*  
*v. New York* (97 N. Y. 355) 1271,  
1272
- Merchants' Bank v. Cook* (4 Pick.  
[Mass.] 405) 2855
- Merchants' Ins. Co. v. Newark*  
(54 N. J. L. 138; 23 Atl. 305) 2438
- Merchants' Exch. Nat. Bank v.*  
*Bergen County* (115 U. S. 384)  
1430, 1473, 1477, 1543
- Merchants' Nat'l Bank v. East*  
*Grand Forks* (94 Minn. 247;  
102 N. W. 704) 228
- Merchants' Nat. Bank v. Little*  
*Rock* (5 Dillon C. C. 299; s. c.  
98 U. S. 308) 1284
- *v. McKinney* (2 S. Dak. 106;  
48 N. W. 841) 844, 1294
- *v. McWilliams* (107 Ga. 532;  
33 S. E. 860) 2486
- Merchants' Pol. & Dist. Tel. Co. v.*  
*Citizens' Tel. Co.* (123 Ky. 90; 93  
S. W. 642) 1993, 2146
- Merchants' Transfer Co. v. Des*  
*Moines* (128 Iowa, 732; 105  
N. W. 211; 2 L. R. A. n. s.  
662) 2336
- Merchants' Union R. Wire Co. v.*  
*Chicago, B. & Q. R. Co.* (70  
Iowa, 105; 28 N. W. 494) 896,  
1972
- Mercur v. Media Elect. L., H. & P.*  
*Co.* (19 Pa. Super. Ct. 519) 2205,  
2212, 2647
- Mercy Hospital v. Chicago* (187 Ill.  
400; 58 N. E. 353) 2534, 2550
- Meredith v. Perth Amboy* (60 N.  
J. L. 134; 36 Atl. 779) 322, 323
- *v. Perth Amboy* (63 N. J. L.  
520; 44 Atl. 971) 2506
- Meriden v. Camp* (46 Conn. 284) 2498
- Meridian v. Farmers' Loan &*  
*Trust Co.* (143 Fed. Rep. 67,  
rev'g 139 Fed. Rep. 673) 2160
- *v. Poole* (88 Miss. 108; 40 So.  
548) 1723
- *v. Western Union Tel. Co.* (72  
Miss. 910; 18 So. 84) 1932, 1933,  
2074
- Meridian Waterworks Co. v. Meri-*  
*dian* (85 Miss. 515; 37 So. 927) 2180,  
2181
- Meriwether v. Garrett* (102 U. S.  
472) 143, 154, 181, 182, 193, 443,  
468, 592, 595, 597, 598, 600, 1583,  
1586, 1587, 2312, 2318, 2398, 2401,  
2478, 2485, 2673, 2680, 2686
- Mernaugh v. Orlando* (41 Fla. 433;  
27 So. 34) 921, 1001
- Merrell v. Campbell* (49 Wis. 535;  
5 N. W. 912; 35 Am. Rep. 785) 470
- Merriam, Matter of* (84 N. Y. 596)  
1198
- *v. Barnum* (116 Cal. 619;  
48 Pac. 727) 1245
- *v. Moody's Executors* (25  
Iowa, 163) 451, 453, 2483, 2484
- *v. New Orleans* (14 La. An.  
318) 985, 995
- *v. People* (160 Ill. 555; 43  
N. E. 705) 1251
- *v. Yuba County* (72 Cal. 517;  
14 Pac. 137) 2773
- Merrick v. Amherst* (12 Allen  
[Mass.] 500) 2314, 2565
- *v. Arbela* (41 Mich. 630; 2  
N. W. 922) 822
- *v. Baltimore* (43 Md. 219) 1654
- *v. Burlington & W. Plank*  
*Road Co.* (11 Iowa, 74) 1190
- *v. Intramontaine R. Co.* (118  
N. Car. 1081; 24 S. E. 667) 2007
- Merrifield v. Worcester* (110 Mass.  
216; 14 Am. Rep. 592) 2916, 3049,  
3053
- Merrill v. Abbott* (62 Ind. 549) 2598
- *v. Burbank* (23 Me. 538) 1598
- *v. Dixfield* (30 Me. 157) 1238
- *v. Hampden* (26 Me. 234) 2961
- *v. Humphrey* (24 Mich. 170) 2425,  
2787, 2791
- *v. Monticello* (138 U. S. 673) 450,  
524, 528, 530, 539, 1327, 1330, 1333,  
1345, 1393, 1494

## TABLE OF CASES CITED

[References are to pages]

- Merrill v. Monticello* (14 Fed. Rep. 628) 528  
 — *v. North Yarmouth* (78 Me. 200; 3 Atl. 575; 57 Am. Rep. 794) 3004  
 — *v. Plainfield* (45 N. H. 126) 563, 2768, 2769, 2771  
 — *v. Portland* (4 Cliff. C. C. 138) 2956, 2958, 2970, 2971, 2988, 3001, 3018, 3019  
 — *v. Shields* (57 Neb. 78; 77 N. W. 368) 2452, 2455  
*Merrill R. & L. Co. v. Merrill* (80 Wis. 358; 49 N. W. 965) 362  
*Merrimac River Canal Prop. v. Lowell* (7 Gray [Mass.] 223) 2916, 3053  
*Merrimack River Savings Bank v. Lowell* (152 Mass. 556; 26 N. E. 97) 2209, 2220, 2222, 2223  
*Merrimon v. Southern Pav. & Const. Co.* (142 N. Car. 539; 55 S. E. 366; 8 L. R. A. N. s. 574) 2763, 2785  
*Merritt v. Duluth* (103 Minn. 236; 114 N. W. 758) 2775  
 — *v. Kewanee* (175 Ill. 537; 51 N. E. 867) 2598  
 — *v. McFarland* (4 Cal. App. 390; 88 Pac. 369) 776  
 — *v. Portchester* (71 N. Y. 309; 27 Am. Rep. 47) 2400, 2451, 2609, 2631  
 — *v. Portchester* (8 Hun [N. Y.] 40) 643  
*Mersey Dock Cases* (L. R. 1 H. L. 93; s. c. 11 H. L. Cases, 687) 516, 2837, 2904, 2906, 2908, 2918, 2923, 2994, 3016, 3057  
*Mersey Docks v. Penhallow* (Law R. 1 H. L. Cases, 93; s. c. 1 H. & N. 439; 3 H. & N. 164; 7 H. & N. 329) 2837, 3015  
*Merwin v. Chicago* (45 Ill. 133; 92 Am. Dec. 204) 469, 742  
*Merz v. Missouri Pac. R. Co.* (88 Mo. 672) 2067  
*Merzbach v. Mayor, etc. of New York* (163 N. Y. 16; 57 N. E. 96) 674  
*Meservey v. People* (208 Ill. 646; 70 N. E. 678) 2455  
*Messenger v. Buffalo* (21 N. Y. 196) 1226, 1230, 1237, 1259  
 — *v. Manhattan R. Co.* (129 N. Y. 502; 29 N. E. 955) 2044, 2045, 2047  
*Messersmith v. Buffalo* (138 N. Y. App. Div. 427) 2910, 2912  
*Mestayer v. Corrige* (38 La. An. 707) 2381  
*Metcalf v. Boston* (158 Mass. 284; 33 N. E. 586) 1807, 1808  
*Metcalf v. Carter* (19 Ohio Cir. Ct. Rep. 196) 2530  
 — *v. St. Louis* (11 Mo. 103) 901, 1031  
 — *v. State* (49 Ohio St. 586; 31 N. E. 1076) 307, 618  
*Metcalf v. Hetherington* (11 Ex. 257; s. c. 5 H. & N. 719) 516  
 — *v. Seattle* (1 Wash. 297; 25 Pac. 1010) 431, 436, 655  
*Metevier v. Therrien* (80 Mich. 187; 45 N. W. 78) 792  
*Methodist Chapel Corp. v. Her- rick* (25 Me. 354) 882  
*Methodist Church, In re* (66 N. Y. 395) 2398, 2401, 2681  
*Methodist Episcopal Church v. Ashtabula Water Co.* (20 Ohio Cir. Ct. 578) 2237  
 — *v. Hoboken* (33 N. J. L. 13; 97 Am. Dec. 696) 2924  
 — *v. Wyandotte* (31 Kan. 721; 3 Pac. 527) 1809, 1820, 2920, 2921  
*Methodist Prot. Church v. Balti- more* (6 Gill [Md.] 391; 48 Am. Dec. 540) 459, 903, 924, 1657, 1644, 1649, 1669  
*Methven v. Staten Island L. H. & P. Co.* (66 Fed. Rep. 113) 1300  
*Metropolitan Bd. of Excise v. Bar- rie* (34 N. Y. 657) 170, 1016  
*Metropolitan Bd. of Health v. Heister* (37 N. Y. 661) 28, 170, 674, 675, 1028, 1771  
*Metropolitan City R. Co. v. Chi- cago* (96 Ill. 620) 1043, 1786  
*Metropolitan El. Supply Co. v. Ginder* ([1901] 2 Ch. Div. 799) 2208  
*Metropolitan Elev. R. Co., In re* (18 N. Y. Sup. Ct. Rep. 134) 2033  
*Metropolitan Life Ins. Co. v. Darenkamp* ([Ky.], 66 S. W. 1125) 2658  
 — *v. New Orleans* (205 U. S. 395, aff'g 115 La. 698; 39 So. 846; 116 Am. St. Rep. 179) 2410, 2415, 2416  
*Metropolitan Police Bd. v. Audi- tors of Wayne County* (68 Mich. 576; 36 N. W. 743) 163, 176  
*Metropolitan R. Co. v. District of Columbia* (132 U. S. 1) 154, 156, 1888, 2882  
*Metropolitan Railway Receiver- ship, In re* (208 U. S. 90) 2256  
*Metropolitan Savings Bank v. Manion* (87 Md. 68; 39 Atl. 90) 1049  
*Metropolitan St. R. Co. v. John- son* (90 Ga. 500; 16 S. E. 49) 988  
 — *v. New York* (199 U. S. 1, aff'g 174 N. Y. 417; 67 N. E. 69) 2419, 2421, 2422, 2444, 2447, 2448, 2476

## TABLE OF CASES CITED

267

[References are to pages]

- Metropolitan T. & T. Co. v. Colwell Lead Co. (67 How. Pr. [N. Y.] 365) 1928
- Metropolitan Tel. Co. v. Domestic Tel. Co. (44 N. J. Eq. 568; 14 Atl. 907) 846
- Metropolitan Transit Co. Matter of (111 N. Y. 588; 19 N. E. 645) 1943
- Metropolitan Trust Co. v. Topeka Water Co. (132 Fed. Rep. 702) 2304, 2307
- Metropolitan Water Co. v. Kansas City (164 Fed. Rep. 738) 2195
- Metropolitan W. S. Elev. R. Co. v. Goll (100 Ill. App. 323) 2018, 2939
- Metzker v. Neally (41 Kan. 122; 21 Pac. 206; 13 Am. St. Rep. 269) 2672
- Metz v. Asheville (150 N. Car. 748; 64 S. E. 881; 22 L. R. A. N. s. 940) 2202, 2884, 3059
- v. Cape Girardeau Waterworks & E. L. Co. (202 Mo. 324; 100 S. W. 651) 2304
- v. Maddox (189 N. Y. 460; 82 N. E. 507) 647, 731
- Metzger v. Attica & A. R. Co. (79 N. Y. 171) 2762, 2776, 2777, 2778, 2780
- v. Beaver Falls (178 Pa. 1; 35 Atl. 1134) 2170
- v. Chicago (103 Ill. App. 605) 2966
- Meuser v. Risdon (36 Cal. 239) 461, 2403, 2627, 2638
- Mexico v. Harris (115 Mo. App. 707; 92 S. W. 505) 977
- Meyer v. Boonville (162 Ind. 165; 70 N. E. 146) 1849, 1974, 2752, 2763
- v. Bridgeton (37 N. J. L. 160) 981
- v. Burlington (52 Iowa, 560; 3 N. W. 558) 2920, 2927
- v. Burritt (60 Conn. 117; 22 Atl. 501) 2485, 2486
- v. Brown (65 Cal. 583; 26 Pac. 281) 1464, 1503, 2673
- v. Carolan (9 Tex. 250) 2656
- v. Covington (103 Ky. 546; 45 S. W. 769) 2527, 2595
- v. Fromm (108 Ind. 208; 9 N. E. 84) 945
- v. Johnson (53 Ala. 241) 2424
- v. Lincoln (33 Neb. 566; 50 N. W. 763; 29 Am. St. Rep. 500) 1899
- v. Lindell R. Co. (6 Mo. App. 27) 1981
- v. Metrop. Elev. Ry. Co. (N. Y. Daily Reg., April 1, 1886) 2046
- v. Muscatine (1 Wall. [U. S.] 384) 457, 545, 570, 582, 1233, 1325, 1378, 1402, 1420, 1424, 1435, 1437, 1438, 1439
- Meyer v. Newark (6 Am. L. Rev. 576) 1683
- v. Porter (65 Cal. 67; 2 Pac. 884) 599, 1392
- v. Richmond (172 U. S. 82) 2931
- v. San Francisco (150 Cal. 131; 88 Pac. 722) 1389, 1392, 1395
- v. Teutopolis (131 Ill. 552; 23 N. E. 651) 1835, 1837, 1838
- v. Widber (126 Cal. 252; 58 Pac. 532) 1392
- Meyers v. Chicago, R. I. & P. R. Co. (57 Iowa, 555; 10 N. W. 896) 925, 941, 1090, 1091, 2067
- v. Duddenhauser (122 Ky. 866; 93 S. W. 43) 1032
- v. Hudson County Elect. Co. (63 N. J. L. 573; 44 Atl. 713) 1912, 1973
- v. New York (58 N. Y. App. Div. 534; 69 N. Y. Supp. 529) 2777, 2779
- v. New York (69 Hun [N. Y.] 291; 23 N. Y. Supp. 484) 707, 736, 737
- v. Pennsylvania Steel Co. (77 N. Y. App. Div. 307; 79 N. Y. Supp. 199) 211, 1216
- v. Shields (61 Fed. Rep. 713) 2363
- Meylert's Ex. v. Sullivan County (19 Pa. 181) 2829
- Miami County v. Wilgus (42 Kan. 457; 22 Pac. 615) 1747, 1751, 1756
- Michael v. Mattoon (172 Ill. 394; 50 N. E. 155) 2453, 2623
- v. St. Louis (112 Mo. 610; 20 S. W. 666) 2771
- Michaelis v. Jersey City (49 N. J. L. 154; 6 Atl. 881) 804
- Michaelson v. Tilden (72 Neb. 744; 101 N. W. 1026) 623
- Michel v. New Orleans (32 La. An. 1094) 745
- v. Terribonne Police Jury (9 La. An. 67) 1248
- v. West Baton Rouge Police Jury (3 La. An. 123) 1248
- Michell v. Portland (53 Oreg 547; 99 Pac. 881) 2629
- Michener v. Philadelphia (118 Pa. 535; 12 Atl. 174) 1815, 2529, 2539, 2541, 2616
- Michie, *In re* (11 Upper Can. C. P. 379) 458, 2597
- Michigan Central R. Co. v. Bay City (129 Mich. 264; 88 N. W. 638) 1731
- v. Hammond, W. & E. C. El. R. Co. (42 Ind. App. 66; 83 N. E. 650) 1703, 1745, 1983



[References are to pages]

- Michigan Central R. Co. v. Powers* (201 U. S. 245, aff'g 138 Fed. Rep. 223) 2316, 2341, 2368, 2370
- Michigan City v. Boeckling* (122 Ind. 39; 23 N. E. 518) 3003, 3020, 3034
- *v. Leeds* (24 Ind. App. 271; 55 N. E. 799) 1172, 1184
- *v. Phillips* (163 Ind. 449; 71 N. E. 205) 3014
- *v. Phillips* ([Ind. App.], 69 N. E. 700) 3014
- *v. Roberts* (34 Ind. 471) 2657, 2661, 2662
- Michigan Railroad Tax Cases* (138 Fed. Rep. 223) 2341, 2370
- Michigan Tel. Co. v. Benton Harbor* (121 Mich. 512; 80 N. W. 386) 1927, 2061, 2062
- *v. St. Joseph* (121 Mich. 502; 80 N. W. 383; 80 Am. St. Rep. 520) 1984, 1985, 2061, 2062, 2260
- Micks v. Mason* (145 Mich. 212; 108 N. W. 707; 11 L. R. A. n. s. 653) 1107
- Middle Kittitas Irr. Dist. v. Peterson* (4 Wash. 147; 29 Pac. 995) 349
- Middle Valley Trap Rock Co. v. Freeholders of Morris* (70 N. J. L. 625; 57 Atl. 258) 1222
- Middlebury Bank v. Rutland & W. R. Co.* (30 Vt. 159) 630
- Middleport v. Aetna Life Ins. Co.* (82 Ill. 562) 584, 1339
- Middlesex v. Davis* (3 Met. [Mass.] 133) 606
- Middlesex R. Co. v. Charlestown* (8 Allen [Mass.] 330) 2419
- *v. Wakefield* (103 Mass. 261) 1980
- Middlesex Water Co. v. Knappmann Whiting Co.* (64 N. J. L. 240; 45 Atl. 692; 81 Am. St. Rep. 467) 2306
- Middleton v. Low* (30 Cal. 596) 2660
- *v. Mullica* (112 U. S. 433) 2314
- *v. Pritchard* (4 Ill. 510; 38 Am. Dec. 112) 493
- *v. St. Augustine* (42 Fla. 287; 29 So. 421; 89 Am. St. Rep. 227) 1526, 1527
- *v. State* (120 Ind. 166; 22 N. E. 123) 684
- Middleton Sav. Bank v. Dubuque* (15 Iowa, 394) 1591, 1597
- *v. Dubuque* (19 Iowa, 467) 1598
- Middletown, Re* (82 N. Y. 196) 1633, 1648
- Midland Elevator Co. v. Stewart* (50 Kan. 378; 32 Pac. 33) 2377
- Mikesell v. Durkee* (34 Kan. 509; 9 Pac. 278; s. c. 36 Kan. 97; 12 Pac. 351) 1867, 1972, 1998
- Milam County v. Bateman* (54 Tex. 153) 183, 188, 237
- Milan v. Tennessee Central R.* (11 Lea [Tenn.] 330) 581, 1343, 1354
- Milarky v. Foster* (6 Oreg. 378) 1783, 1787, 1789
- Milbank v. Jones* (127 N. Y. 370; 28 N. E. 31; 24 Am. St. Rep. 454; s. c. 141 N. Y. 340; 36 N. E. 388) 1151, 1152
- *v. Western Surety Co.* (21 S. Dak. 261; 111 N. W. 561) 1198
- Milbridge & C. Elect. R. Co., In re* (96 Me. 110; 51 Atl. 818) 1916, 1932, 2006, 2056
- Milburn v. Cedar Rapids* (12 Iowa, 246) 1719, 1831, 1943, 2010
- *v. Fowler* (27 Hun [N. Y.] 568) 1824
- Miles v. Bough* (3 Gale & D. 119) 876
- *v. Brooklyn* (98 N. Y. App. Div. 195; 90 N. Y. Supp. 702) 3044
- *v. Chamberlain* (17 Wis. 446) 953, 957, 959
- *v. Charleton* (29 Wis. 400) 137
- *v. Duncan* (6 B. & C. 671) 2828
- *v. Lynn* (130 Mass. 398) 2821
- *v. Stevenson* (80 Md. 358; 30 Atl. 646) 788, 792, 2672
- *v. Wells* (22 Utah, 55; 61 Pac. 534) 2657
- *v. Worcester* (154 Mass. 511; 28 N. E. 676; 13 L. R. A. 841; 26 Am. St. Rep. 264) 2860, 2861, 2888
- Milesburg v. Green* (22 Weekly N. C. [Pa.] 180) 1801
- Milford v. Bangor R. & E. Co.* (104 Me. 233; 71 Atl. 759) 2306
- *v. Holbrook* (9 Allen [Mass.] 17; 85 Am. Dec. 735) 2988, 3031, 3032, 3033
- *v. Milford Water Co.* (124 Pa. 610; 17 Atl. 185) 1144, 1147, 1148, 1149
- Milford & C. Turnpike Co. v. Brush* (10 Ohio, 111; 36 Am. Dec. 78) 609
- Milford Water Co. v. Hopkinton* (192 Mass. 491; 78 N. E. 451) 2432
- Milhau v. Sharp* (27 N. Y. 611; s. c. 15 Barb. [N. Y.] 193; 19 Barb. [N. Y.] 435) 191, 462, 464, 916, 1784, 1789, 1790, 1792, 1905, 1906, 1910, 1916, 1948, 1977, 1990, 2052, 2773
- Military Parade Ground, In re* (60 N. Y. 319) 1651
- Mill Creek Sewer* (196 Pa. 183; 46 Atl. 312) 2616
- Mill Creek Valley St. R. Co. v. Carthage* (18 Ohio Cir. Ct. 216) 1195



## TABLE OF CASES CITED

269

[References are to pages]

<b>Mill Dam Foundry v. Hovey</b> (21 Pick. [Mass.] 417) 630	44 Atl. 880, aff'd 64 N. J. L. 772;
<b>Millard v. Adams</b> (136 N. Y. App. Div. 669; 121 N. Y. Supp. 504) 2647	46 Atl. 1100) 101, 307, 308
— <b>v. Lafayette</b> (5 La. An. 112) 1651, 1653	<b>Miller v. Grundy</b> (13 Mich. 540) 2775
— <b>v. Webster City</b> (113 Iowa, 220; 84 N. W. 1044) 2880, 2927	— <b>v. Hageman</b> (114 Iowa, 195; 86 N. W. 281) 2448
<b>Millburn v. South Orange</b> (55 N. J. Law, 254; 26 Atl. 75) 197	— <b>v. Hamilton Police Benefit Fund</b> (28 Can. Sup. Ct. 475) 758
<b>Millcreek v. Erie R. T. R. Co.</b> (209 Pa. 300; 58 Atl. 613) 1959	— <b>v. Haskell County</b> (66 Kan. 730; 66 Pac. 1084) 1313
<b>Milledge v. Kansas City</b> (100 Mo. App. 490; 74 S. W. 892) 3014	— <b>v. Hastings</b> (25 Pa. Super. Ct. 569) 2884
<b>Milledgeville Water Co. v. Edwards</b> (121 Ga. 555; 49 S. E. 621) 2208	— <b>v. Henderson</b> (212 Pa. 263; 61 Atl. 913) 2710
— <b>v. Fowler</b> (129 Ga. 111; 58 S. E. 643) 2210	— <b>v. Horton</b> (152 Mass. 540; 26 N. E. 100; 10 L. R. A. 116; 23 Am. St. Rep. 850) 1047
<b>Miller, In re</b> (44 Mo. App. 125) 977	— <b>v. Hull</b> (4 Denio [N. Y.] 144) 1169
— <b>v. Ammon</b> (145 U. S. 421) 1017	— <b>v. Indianapolis</b> (123 Ind. 196; 24 N. E. 228) 1716, 1723, 1742, 1746
— <b>v. Amsterdam</b> (149 N. Y. 288; 43 N. E. 632) 2596, 2598, 2600	— <b>v. Iron County</b> (29 Mo. 122) 2858
— <b>v. Anderson</b> (1 S. Dak. 539; 47 N. W. 957; 11 L. R. A. 317) 2486	— <b>v. Jonathan Creek Highway Com'rs.</b> (125 Ill. App. 431) 1708, 1713, 1730
— <b>v. Aracoma</b> (30 W. Va. 606; 5 S. E. 148) 1706, 1895	— <b>v. Jones</b> (80 Ala. 89) 1001, 2792
— <b>v. Asheville</b> (112 N. Car. 759; 16 S. E. 765) 1684	— <b>v. Kalamazoo</b> (140 Mich. 494; 103 N. W. 845) 2838
— <b>v. Birmingham</b> (151 Ala. 469; 44 So. 388; 125 Am. St. Rep. 31) 928, 989	— <b>v. Kister</b> (68 Cal. 142; 8 Pac. 813) 262, 324
— <b>v. Board</b> (15 N. Y. Misc. 322; 37 N. Y. Supp. 766) 777	— <b>v. Lerch</b> (1 Wall. Jr. [U. S. C. C.] 210) 1569
— <b>v. Board of Com'rs</b> (66 Ind. 162) 525	— <b>v. Lynchburg</b> (20 Gratt. [Va.] 330) 1284
— <b>v. Bradford</b> (186 Pa. 164; 40 Atl. 409) 2967	— <b>v. McWilliams</b> (50 Ala. 427; 20 Am. Rep. 297) 1587, 2676, 2855
— <b>v. Burch</b> (32 Tex. 209; 5 Am. Rep. 242) 1038, 1043, 1049, 1050	— <b>v. Mendenhall</b> (43 Minn. 95; 44 N. W. 1141; 8 L. R. A. 89; 19 Am. St. Rep. 219) 487, 503
— <b>v. Camden</b> (64 N. J. L. 201; 44 Atl. 882, aff'd 64 N. J. L. 722; 46 Atl. 1100) 308	— <b>v. Milwaukee</b> (14 Wis. 642) 1139
— <b>v. Canton</b> (112 Mo. App. 322; 87 S. W. 96) 2904, 2998, 3018, 3019	— <b>v. Minneapolis</b> (75 Minn. 131; 77 N. W. 788) 182, 200
— <b>v. Corinna</b> (42 Minn. 391; 44 N. W. 127) 1837	— <b>v. Mobile</b> (47 Ala. 163) 1657, 1662, 2595, 2598, 2748
— <b>v. Dearborn County</b> (66 Ind. 162) 1344	— <b>v. Morristown</b> (47 N. J. Eq. 62; 20 Atl. 61) 3043
— <b>v. Des Moines</b> (143 Iowa, 409; 122 N. W. 226) 2763, 2785	— <b>v. Mullan</b> (17 Idaho, 28; 104 Pac. 660) 2814
— <b>v. Detroit, Y. &amp; A. A. R. Co.</b> (125 Mich. 171; 84 N. W. 49; 51 L. R. A. 955; 84 Am. St. Rep. 569) 1098, 2004	— <b>v. Newark</b> (35 N. J. L. 460) 1806
— <b>v. English</b> (21 N. J. L. 317) 634	— <b>v. Newport News</b> (101 Va. 432; 44 S. E. 712) 2842, 3042
— <b>v. Fitchburg</b> (180 Mass. 32; 61 N. E. 277) 2432	— <b>v. North Adams</b> (182 Mass. 569; 66 N. E. 197) 3014
— <b>v. Goodman</b> (91 Tex. 41; 40 S. W. 718) 2327	— <b>v. North Fredericksburgh Corp.</b> (25 Up. Can. C. P. 31) 2953
— <b>v. Greenwalt</b> (64 N. J. L. 197;	— <b>v. O'Reilly</b> (84 Ind. 168) 976
	— <b>v. Perris Irrigation Dist.</b> (85 Fed. Rep. 693; 99 Fed. Rep. 143) 121, 122, 124, 1461, 1466, 1481
	— <b>v. Perris Irrigation District</b> (92 Fed. Rep. 263) 2770
	— <b>v. Pulaski</b> (109 Va. 137; 63 S. E. 880; 22 L. R. A. n. s. 552) 2117, 2121, 2126

[References are to pages]

- Miller *v.* Race (1 Burr. 452) 1350  
 — *v.* Sacramento County (25 Cal. 93) 723  
 — *v.* Savannah Fire Co. (26 Ga. 678) 560  
 — *v.* School Dist. (5 Wyo. 217; 39 Pac. 879) 344, 380, 382, 654, 655, 1507  
 — *v.* School Trustees (88 Ill. 26) 2792, 2793  
 — *v.* Seymour (67 N. J. L. 482; 51 Atl. 719) 2741  
 — *v.* Stewart (9 Wheat. [U. S.] 680) 683  
 — *v.* Syracuse (168 Ind. 230; 80 N. E. 411; 120 Am. St. Rep. 366) 1044, 1046, 1051  
 — *v.* Thomson (3 Man. & Gr. 576) 1299, 1301  
 — *v.* Warner (42 N. Y. App. Div. 208; 59 N. Y. Supp. 956) 823  
 — *v.* Wilkes-Barre Gas Co. (206 Pa. 254; 55 Atl. 974) 2220  
 — *v.* Wilson (60 Ga. 505) 2439  
 Miller County *v.* Gazola (65 Ark. 353; 46 S. W. 423) 1308  
 Millers *v.* Augusta (63 Ga. 772) 2913  
 Millerstown *v.* Frederick (114 Pa. St. 435; 7 Atl. 156) 381, 386, 387, 1431, 1480  
 Millett *v.* People (117 Ill. 294; 7 N. E. 631; 57 Am. Rep. 869) 206  
 — *v.* Princeton (167 Ind. 582; 79 N. E. 909); 10 L. R. A. n. s. 785) 1855, 2841  
 Milliken *v.* Denny (141 N. Car. 224; 53 S. E. 867) 1706  
 — *v.* Weatherford (54 Tex. 388) 789, 934  
 Millikin *v.* Bowling Green (9 Ohio Cir. Ct. R. 493) 2975  
 Million *v.* Soule (15 Wash. 261; 46 Pac. 234) 1287  
 Millison *v.* Fisk (43 Ill. 112) 469  
 Mills *v.* Brooklyn (32 N. Y. 489) 2839, 2923, 3037, 3040, 3046, 3047, 3049, 3050, 3054, 3055, 3056, 3060  
 — *v.* Charleton (29 Wis. 400; 9 Am. Rep. 578) 199, 1195, 1206, 2637, 2641, 2789  
 — *v.* Chicago (127 Fed. Rep. 731) 2230, 2231  
 — *v.* Gleason (11 Wis. 470; 78 Am. Dec. 721) 523, 532, 544, 835, 836, 846, 1190, 1195, 1347, 1348  
 — *v.* Mills (40 N. Y. 543; 100 Am. Dec. 535, aff'g 28 Barb. [N. Y.] 454) 1151  
 — *v.* Parlin (106 Ill. 60) 1999  
 — *v.* San Antonio ([Tex. Civ. App.], 65 S. W. 1121) 832  
 — *v.* State (2 Wash. St. 566; 27 Pac. 560) 2740  
 Mills *v.* Thornton (26 Ill. 300; 79 Am. Dec. 377) 2408  
 — *v.* United States Printing Co. (99 N. Y. App. Div. 605; 91 N. Y. Supp. 185) 206, 1216  
 — *v.* Williams (11 Ire. 558) 127, 140  
 Mill's Case (T. Raym. 152) 2723  
 Mills & Allen *v.* Evans (100 Iowa, 712; 69 N. W. 1043) 484  
 Mills Nat. Bank *v.* Herold (74 Cal. 603; 16 Pac. 507) 1292, 1294, 1298  
 Millsaps *v.* Terrell (60 Fed. Rep. 193; 23 U. S. App. 208) 419, 426  
 Millvale *v.* Evergreen R. Co. (131 Pa. 1; 18 Atl. 993; 7 L. R. A. 369) 2062  
 Millvale Borough, Appeal of (162 Pa. 374; 29 Atl. 641, 644) 1172, 2134  
 Millvale Borough No. 2, *In re* (14 Pa. County Ct. Rep. 82) 1190  
 Millville Gas Light Co *v.* Sweeten (75 N. J. L. 23; 68 Atl. 1067) 1988  
 — *v.* Vineland L. & P. Co. (72 N. J. Eq. 305; 65 Atl. 504) 1916, 1992  
 Milne *v.* Davidson (5 Martin n. s. [La.] 409; 16 Am. Dec. 189) 901, 902, 1031, 1040  
 — *v.* Mayor, &c. (13 La. 69) 617  
 Milner's Admx. *v.* Pensacola (2 Woods, 632) 444, 597, 603  
 Milnes *v.* Duncan (6 B. & C. 671) 2834  
 — *v.* Huddersfield (L. R. 10 Q. B. Div. 125) 2904, 2915  
 — *v.* Huddersfield (L. R. 11 App. Cas. 511) 2203  
 Milster *v.* Spartanburg (68 S. Car. 26; 46 S. E. 539) 444, 602, 2398, 2400, 2442, 2706, 2709, 2710  
 Milton, *Re*, Road in (40 Pa. St. 300) 61, 1799  
 Milward *v.* Thatcher (2 Tenn. R. 87) 725, 726, 727  
 Milwaukee *v.* Davis (6 Wis. 377) 3015, 3018  
 — *v.* Gross (21 Wis. 241; 91 Am. Dec. 472) 1049  
 — *v.* Herman Zoehrlaut Leather Co. (114 Wis. 276; 90 N. W. 187) 672, 2222  
 — *v.* Koeffler (116 U. S. 219) 2788  
 — *v.* Milwaukee (12 Wis. 93) 188, 626  
 — *v.* Milwaukee & B. R. Co. (7 Wis. 85) 1932, 1943  
 — *v.* Milwaukee County (95 Wis. 424; 69 N. W. 819) 376, 377  
 Milwaukee & M. R. Co., *In re* (5 Wall. [U. S.] 188) 2726  
 Milwaukee & St. P. R. Co. *v.* Faribault (23 Minn. 167) 1614  
 Milwaukee Boiler Co. *v.* Wadhams

[References are to pages]

- Oil Co. (126 Wis. 32; 105 N. W. 312) 1791
- Milwaukee Elect. R. & L. Co. v. Milwaukee (87 Fed. Rep. 577) 2226, 2291
- v. Milwaukee (95 Wis. 39; 69 N. W. 794; 60 Am. St. Rep. 81) 2729
- v. Milwaukee (95 Wis. 42; 69 N. W. 796) 2446, 2573, 2575
- Milwaukee Fire Dept. v. Helfenstein (16 Wis. 136) 750
- Milwaukee Iron Co. v. Hubbard (29 Wis. 51) 2788
- Milwaukee Iron Co. v. Schubel (29 Wis. 444) 2794, 2798
- Milwaukee L. H. & Tr. Co. v. Milwaukee Northern R. Co. (132 Wis. 313; 112 N. W. 663) 2030
- Minard v. Douglas County (9 Oreg. 206) 2365
- Mincer v. School Dist. (27 Kan. 253) 825
- Minces v. Schoenig (72 Minn. 528; 75 N. W. 711) 986
- Minden v. Silverstein (36 La. An. 912, 914) 1001, 1018
- Miner v. Justices' Court (121 Cal. 264; 53 Pac. 795) 116
- v. New York Cent. & H. R. R. Co. (123 N. Y. 242; 25 N. E. 339) 2051, 2141
- v. Vedder (66 Mich. 101; 33 N. W. 47) 1295, 1299, 1300
- Mineralized Rubber Co v. Cleburne (22 Tex. Civ. App. 621; 56 S. W. 220) 1178
- Miners' Bank v. United States (5 How. [U. S.] 213) 2745
- Miners' Ditch Co v. Zellerbach (37 Cal. 543) 141, 1156, 1597, 2810
- Minersville v. Schuylkill Elect. R. Co. (205 Pa. 394; 54 Atl. 1050) 1950, 1953, 1958, 1959, 1960
- Minick v. Troy (83 N. Y. 514) 2821, 3000
- Minneapolis v. Janney (86 Minn. 111; 90 N. W. 312) 1582
- v. Wilkin (30 Minn. 140; 14 N. W. 581) 1667, 1668
- Minneapolis & St. Louis R. Co. v. Beckwith (129 U. S. 26) 554
- v. Britt (105 Iowa, 198; 74 N. W. 933) 1688, 1743, 1744
- v. Gardner (177 U. S. 332) 2448
- v. Hartland (85 Minn. 76; 88 N. W. 423) 1613, 1803, 1804, 1820
- v. Lindquist (119 Iowa, 144; 93 N. W. 103) 2526, 2591, 2617
- Minneapolis Brewing Co. v. McGilivray (104 Fed. Rep. 258) 2258, 2752
- Minneapolis Gas Light Co. v. Minneapolis (36 Minn. 159; 30 N. W. 450) 461
- Minnesota v. Barber (136 U. S. 313) 2337
- v. St. Paul (2 Wall. [U. S.] 609) 2424
- Minnesota & M. Land & Imp. Co. v. Billings (111 Fed. Rep. 972) 521, 1627, 1816, 2521
- Minnesota Canal & P. Co. v. Koochiching Co. (97 Minn. 429; 107 N. W. 405; 5 L. R. A. N. s. 638) 2125
- v. Pratt (101 Minn. 197; 112 N. W. 395; 11 L. R. A. N. s. 105) 2125
- Minnesota Linseed Oil Co. v. Palmer (20 Minn. 468) 1813, 2401, 2748
- Minnesota Moline Plow Co. v. Dowagiac Mfg. Co. (126 Fed. Rep. 746) 2657
- Minnesota Sugar Co. v. Iverson (90 Minn. 6; 95 N. W. 1133) 2796
- Minns v. Omemee (2 Ont. Law Rep. [Can.] 579) 3028
- v. West (38 Ga. 18) 1402
- Minor v. Loggins (14 Tex. Civ. App. 15; 37 S. W. 1086) 1289
- v. Mechanics' Bank of Alexandria (1 Pet. [U. S.] 46, 69) 762
- v. New Orleans (115 La. 302; 38 So. 999) 1892, 1897
- Minot v. Boston Asylum (7 Met. [Mass.] 416) 610
- v. Curtis (7 Mass. 441) 627
- v. West Roxbury (112 Mass. 1; 17 Am. Rep. 52) 75, 77, 2758
- Minturn v. Larue (23 How. [U. S.] 435) 451, 453, 517
- Mintzer v. Schilling (117 Cal. 361; 49 Pac. 209) 272, 278, 279, 281, 590
- Mirande, *Ex parte* (73 Cal. 365; 14 Pac. 888) 331, 867, 996, 2469, 2473
- Mishawaka v. Kirby (32 Ind. App. 233; 69 N. E. 481) 3001
- Missano v. New York (160 N. Y. 123; 54 N. E. 744, rev'g 17 N. Y. App. Div. 536; 45 N. Y. Supp. 592) 2817, 2880, 2882, 2893, 2900
- Mississippi & M. R. Co. v. Ward (2 Black [U. S.] 485) 1036
- Mississippi & Rum Riv. Boom Co. v. Patterson (98 U. S. 403, aff'g 3 Dillon C. C. 465) 1673, 1674
- Mississippi County v. Vowels (101 Mo. 225; 14 S. W. 282) 1899
- Mississippi Mills v. Cook (56 Miss. 40) 2383
- Mississippi River Br. Co. v. Ring (58 Mo. 491) 1681

[References are to pages]

- Mississippi Society of Arts, etc. v. Musgrove (44 Miss. 820) 970  
 Missouri v. Dockery (191 U. S. 165) 2447  
 — v. Illinois (202 U. S. 598; s. c. 180 U. S. 208) 1635, 1639, 2106  
 — v. Lewis (101 U. S. 22) 2520  
 — v. Murphy (170 U. S. 78, aff'g 130 Mo. 10; 31 S. W. 594) 2060, 2069  
 Missouri-Edison El. Co. v. Weber (102 Mo. App. 95; 76 S. W. 736) 2071  
 Missouri, K. & T. R. Co. v. Graham (12 Tex. Civ. App. 54; 33 S. W. 576) 2028  
 — v. Labette County (9 Kan. App. 545; 59 Pac. 383) 2378  
 — v. Miami County (67 Kan. 434; 73 Pac. 103) 2378  
 Missouri, K. & T. Trust Co. v. Smart (51 La. An. 416; 25 So. 443) 920, 2380, 2503  
 Missouri Pac. R. Co. v. Cass County (76 Neb. 396; 107 N. W. 773) 1616  
 — v. Wyandotte (44 Kan. 32; 23 Pac. 950) 908, 909  
 Missouri R. Ft. S. & G. R. Co. v. Morris (7 Kan. 210) 2791  
 Missouri River Tel. Co. v. Mitchell (22 S. Dak. 191; 116 N. W. 67) 1947, 1948, 1949, 1950, 1955, 1986  
 Missouri Valley & B. R. Co. v. Harrison County (74 Iowa, 283; 37 N. W. 372) 331  
 Mister v. Kansas City (18 Mo. App. 217) 1178  
 Mitchell v. Bass (26 Tex. 372) 1845  
 — v. Burlington (4 Wall. [U. S.] 270) 545, 576, 1331, 1408, 1413  
 — v. Denver (33 Colo. 37; 78 Pac. 686) 1704, 1705, 1709  
 — v. Einstein (105 N. Y. App. Div. 413; 94 N. Y. Supp. 210) 1563, 1564  
 — v. Einstein (42 N. Y. Misc. 358; 86 N. Y. Supp. 759) 1699  
 — v. Foster (9 Dowl. P. C. 527) 642  
 — v. Franklin & C. Turnp. Co. (3 Humph. [Tenn.] 456) 1659, 1662  
 — v. Hay (37 Ga. 581) 2655  
 — v. Kirkland (7 Conn. 229) 1646  
 — v. Lemon (34 Md. 176) 982  
 — v. Metropolitan Elev. R. Co. (134 N. Y. 11; 31 N. E. 260) 2040  
 — v. Milwaukee (18 Wis. 92) 1198, 2789  
 — v. Negaunee (113 Mich. 359; 71 N. W. 646; 67 Am. St. Rep. 468) 2117, 2120, 2131, 2425  
 — v. Patterson (120 Cal. 286; 52 Pac. 589) 353  
 Mitchell v. Rockland (41 Me. 363; 46 Am. Rep. 252; s. c. 45 Me. 496; s. c. 52 Me. 118) 75, 557, 674, 766, 1031, 1180, 2855, 2857, 2873, 2882, 2896, 2898  
 — v. Rome (49 Ga. 19; 15 Am. Rep. 669) 2925, 2932  
 — v. Smith (12 S. Dak. 241; 80 N. W. 1077) 380  
 — v. State (134 Ala. 392; 32 So. 687) 2392  
 — v. Tulsa Water, L. H. & P. Co. (21 Okla. 243; 95 Pac. 961) 1911, 2158  
 — v. White Plains (62 Hun [N. Y.] 231; 16 N. Y. Supp. 828) 1662  
 — v. Williams (27 Ind. 62) 1100  
 Mitchell County v. City Nat'l Bank (91 Tex. 361; 43 S. W. 880) 421, 422, 426, 427, 1460, 1485  
 — v. Horton (75 Iowa, 271; 39 N. W. 394) 867, 871  
 Mitchellville v. Polk County (64 Iowa, 554; 21 N. W. 31) 2434  
 Mittag v. Park Ridge (61 N. J. Law, 151; 38 Atl. 750) 910, 1381  
 Mix v. Ross (57 Ill. 121) 2482, 2485, 2487, 2488, 2594  
 Moale v. Baltimore (5 Md. 314; 61 Am. Dec. 276) 1606, 1628, 1665, 1717, 2319, 2494  
 — v. Baltimore (61 Md. 224) 2593, 2405  
 Moberly v. Hogan (131 Mo. 19; 32 S. W. 1014) 2527, 2529, 2595  
 — v. Richmond Tel. Co. (126 Ky. 369; 103 S. W. 714) 1958  
 Moberly v. Jeffersonville (38 Ind. 198) 2452, 2595  
 Mobile v. Allaire (14 Ala. 400) 969, 972  
 — v. Baldwin (57 Ala. 61) 2399, 2418, 2765  
 — v. Barton (47 Ala. 84) 1109  
 — v. Bienville Water Supply Co. (130 Ala. 379; 30 So. 445) 2160, 2168, 2205  
 — v. Dargan (45 Ala. 310) 920, 2396, 2407, 2532  
 — v. Eslava (9 Port. [Ala.] 577; 33 Am. Dec. 325, aff'd 16 Pet. [U. S.] 234) 491, 501  
 — v. Fowler (147 Ala. 403; 41 So. 468) 1724, 1725, 1732, 1737  
 — v. Jones (42 Ala. 630) 978  
 — v. Louisville & N. R. Co. (84 Ala. 115; 4 So. 106) 456, 920, 985, 991, 1907, 1948, 1985, 2050  
 — v. Louisville & N. R. Co. (124 Ala. 132; 26 So. 902) 1787, 1972  
 — v. Moog (53 Ala. 561) 506, 510  
 — v. Richardson (1 Stew. & P. [Ala.] 12) 1661, 1671

## TABLE OF CASES CITED

273

[References are to pages]

- Mobile v. Rouse** (8 Ala. 515) 969  
 — *v. Rowland* (26 Ala. 498) 742  
 — *v. Royal St. R. Co.* (45 Ala. 322) 2396  
 — *v. Shea* (127 Fed. Rep. 521) 1241  
 — *v. Stonewall* (53 Ala. 570) 2383  
 — *v. Sullivan Timber Co.* (129 Fed. Rep. 298, rev'g 110 Fed. Rep. 186) 492, 496  
 — *v. Watson* (116 U. S. 289) 143, 193, 592, 599, 604, 624, 2403, 2686, 2703  
 — *v. Yuille* (3 Ala. 137; 36 Am. Dec. 441) 452, 952, 954, 957, 958, 960, 994, 1010, 1083, 2400, 2469  
**Mobile & O. R. Co. v. State** (51 Miss. 137) 1767, 1768  
**Mobile & S. H. R. R. Co. v. Kernerly** (74 Ala. 566) 2444  
**Mobile County v. Kimball** (102 U. S. 691) 197, 2330, 2501  
 — *v. State* ([Ala.], 50 So. 972) 2652, 2656  
**Mobile Sav. Bank v. Oktibbeha Co. Sup.** (24 Fed. Rep. 110) 654, 1428  
**Mobile Transp. Co. v. Mobile** (128 Ala. 335; 30 So. 645; 86 Am. St. Rep. 143, aff'd 187 U. S. 479) 491, 496, 602, 1896, 1902  
**Mochler v. Shaftsbury** (46 Vt. 580; 14 Am. Rep. 634) 2974, 2978  
**Mock v. Santa Rosa** (126 Cal. 330; 58 Pac. 826) 775, 2771  
**Mode v. Beasley** (143 Ind. 306; 42 N. E. 727) 325, 326, 334  
**Modesto Irrig. Dist. v. Tregea** (88 Cal. 334; 26 Pac. 237) 347  
**Modoc County v. Spencer** (103 Cal. 498; 37 Pac. 483) 1245  
**Moest v. Buffalo** (116 N. Y. App. Div. 657; 101 N. Y. Supp. 996, aff'd 193 N. Y. 615; 86 N. E. 1128) 2856, 2887  
**Moffatt v. Kenny** (174 Mass. 311; 54 N. E. 850) 1726, 1727  
**Moffett Hodgkins, etc. Co. v. Rochester** (178 U. S. 373) 1214  
**Moffitt v. Brainard** (92 Iowa, 122; 60 N. W. 226; 26 L. R. A. 821) 1837  
**Mogg v. Hall** (83 Mich. 576; 47 N. W. 553) 2593, 2594  
**Mohan v. Jackson** (52 Ind. 599) 667  
**Mohawk & H. R. Co. v. Clute** (4 Paige [N. Y.] 384) 2423  
**Moir v. Munday** (Sayer, 181) 985  
**Moises v. Thornton** (8 Term R. 303) 631  
**Molett v. Keenan** (22 Ala. 484) 1648  
**Moline Plow Co. v. Wilkinson** (105 Mich. 57; 62 N. W. 1119) 2353  
**Moliter v. Sheldon** (37 Kan. 236; 15 Pac. 231) 1699  
**Moll v. Chicago** (194 Ill. 28; 61 N. E. 1012) 2453  
**Mollandin v. Union Pac. R. Co.** (14 Fed. Rep. 394) 2944  
**Moller v. Galveston** (23 Tex. Civ. App. 693; 57 S. W. 1116) 1377, 1378, 1381, 1414, 2831  
**Molloy v. New Rochelle** (123 N. Y. App. Div. 642; 108 N. Y. Supp. 120) 1224  
**Molyneaux v. Molyneaux** (130 Iowa, 100; 106 N. W. 370) 867  
**Monaghan v. Indianapolis** (37 Ind. App. 280; 76 N. E. 424) 1206  
 — *v. Philadelphia* (28 Pa. St. 207) 2676, 2686, 2799  
**Monarch Mfg. Co. v. Omaha, C. B. & S. R. Co.** (127 Iowa, 511; 103 N. W. 493) 3056  
**Monnett v. Hall** (128 Mo. App. 91; 106 S. W. 579) 2472  
**Money v. Miller** (21 Miss. 531) 1888  
**Monford v. State** (35 Tex. Crim. Rep. 237; 33 S. W. 351) 441  
**Monies v. Lynn** (124 Mass. 165) 3021  
**Monje v. Grand Rapids** (122 Mich. 645; 81 N. W. 574) 2969, 3010  
**Monk v. Ballard** (42 Wash. 35; 84 Pac. 397) 2498, 2619  
 — *v. New Utrecht* (104 N. Y. 552; 11 N. E. 268) 770, 3004  
 — *v. Packard* (71 Me. 309; 36 Am. Rep. 315) 1034  
**Monk Election, In re** (32 Up. Can. Q. B. 147) 644  
**Monmouth v. Gardiner** (35 Me. 247) 1833, 1834  
 — *v. Popel* (183 Ill. 634; 56 N. E. 348) 930, 1017  
**Monongahela City v. Fischer** (111 Pa. St. 9; 2 Atl. 87) 2974, 2991  
**Monongahela Nav. Co. v. United States** (148 U. S. 312) 1603, 1642, 1643, 2273  
**Monongahela Water Co.'s Case** (223 Pa. 323) 2196, 2197  
**Monroe v. Gerspach** (33 La. An. 1011) 1022, 1035  
 — *v. Hardy* (46 La. An. 1232; 15 So. 696) 1110, 1112  
 — *v. Hoffman* (29 La. An. 651) 1105  
 — *v. Johnson* (106 La. 350; 30 So. 840) 1587  
 — *v. Meuer* (35 La. An. 1192) 1125, 1128  
**Monroe Water Works Co. v. Monroe** (110 Wis. 11; 85 N. W. 685) 2167, 2175, 2297, 2300  
**Monroeville v. Wehl** (13 Ohio Cir. Ct. R. 689) 3000



[References are to pages]

- Montague *v.* English (119 Cal. 225; 51 Pac. 327) 411, 413  
 — *v.* Horan (12 Wis. 599) 1305  
 Montana Ore Purchasing Co. *v.* Maher (32 Mont. 480; 81 Pac. 13) 881  
 Montclair *v.* Ramsdell (107 U. S. 147) 136, 137, 1351, 1428, 1464, 1471, 1475, 1545  
 Montclair Military Academy *v.* North Jersey St. R. Co. (70 N. J. L. 229; 57 Atl. 1050, rev'g 65 N. J. L. 328; 47 Atl. 890) 1965, 2007  
 Montecito Val. Water Co. *v.* Santa Barbara (144 Cal. 578; 77 Pac. 1113) 2308  
 Monteith *v.* Parker (36 Oreg. 170; 59 Pac. 192; 78 Am. St. Rep. 768) 1292, 1318, 1319, 1320, 1321  
 Monterey *v.* Berkshire County (7 Cush. [Mass.] 394) 1655, 2797  
 Montezuma *v.* Minor (70 Ga. 191) 448  
 — *v.* Minor (73 Ga. 484) 1124  
 Montezuma County *v.* Montezuma Water & Land Co. (39 Colo. 166; 89 Pac. 794) 2288  
 Montezuma Val. W. S. Co. *v.* Bell (20 Colo. 175; 36 Pac. 1102) 2479  
 Montgomery, *Ex parte* (64 Ala. 463) 2375, 2397, 2468, 2470, 2471  
 — *v.* Barnett (149 Ala. 119; 43 So. 92) 1214, 1261  
 — *v.* Birdsong (126 Ala. 632; 28 So. 522) 2532  
 — *v.* Cowlitz County (14 Wash. 230; 44 Pac. 259) 2829  
 — *v.* Foster (133 Ala. 587; 32 So. 610) 923, 924, 944, 2532  
 — *v.* Gilmer (33 Ala. 116; 70 Am. Dec. 562; s. c. 26 Ala. 665) 2918, 3040, 3047, 3054, 3057  
 — *v.* Hughes (65 Ala. 201) 440, 683  
 — *v.* Louisville & N. R. Co. (84 Ala. 127; 4 So. 626) 985, 990, 991, 1106, 1108  
 — *v.* Maddox (89 Ala. 181; 7 So. 433) 1820  
 — *v.* Montgomery & W. Pl. R. Co. (31 Ala. 76) 451, 1095, 1096, 1154, 1182, 1183  
 — *v.* Montgomery Water Works (77 Ala. 248) 2810  
 — *v.* Montgomery Water Works Co. (79 Ala. 233) 2299, 2304, 2810  
 — *v.* Moore (140 Ala. 638; 37 So. 291) 2497, 2531  
 — *v.* Parker (114 Ala. 118; 21 So. 452; 62 Am. St. Rep. 95) 1783  
 — *v.* Portland (190 U. S. 89) 498  
 — *v.* Reed (69 Me. 510) 485  
 — *v.* Reese (146 Ala. 410; 40 So. 760) 257, 334  
 Montgomery *v.* Sayre (65 Ala. 564) 2765  
 — *v.* Scott (34 Wis. 338) 3018  
 — *v.* Shaver (40 Oreg. 244; 66 Pac. 923) 494, 503  
 — *v.* Shirley (159 Ala. 239; 48 So. 679) 2817  
 — *v.* Townsend (80 Ala. 489; 2 So. 155; 84 Ala. 478; 4 So. 780) 1650, 1674, 1820, 2924, 2943, 2949  
 — *v.* Trenton (36 N. J. L. 79) 1868  
 — *v.* West (149 Ala. 311; 42 So. 1000) 935  
 — *v.* Wright (72 Ala. 411) 440, 2993, 2997, 3017  
 Montgomery City Council, *Ex parte* (64 Ala. 463) 331  
 Montgomery County *v.* Barber (45 Ala. 237) 1139, 1169, 1173  
 — *v.* Fullen (111 Ind. 410; 12 N. E. 298; s. c. 118 Ind. 158; 20 N. E. 771) 1250, 1391  
 — *v.* Schuylkill Bridge Co. (110 Pa. 54; 20 Atl. 407) 1643  
 Montgomery County Fiscal Court *v.* Trimble (104 Ky. 629; 47 S. W. 773; 42 L. R. A. 738) 431, 655, 656, 662  
 Montgomery Gas Light Co. *v.* Montgomery (87 Ala. 245; 6 So. 113; 4 L. R. A. 616) 916, 2168, 2189, 2190, 2194  
 Monticello *v.* Banks (48 Ark. 251; 2 S. W. 852) 2375, 2503, 2532  
 — *v.* Fox (3 Ind. App. 481; 28 N. E. 1025) 3047  
 Montpelier *v.* East Montpelier (27 Vt. 704) 235, 625  
 — *v.* East Montpelier (29 Vt. 12; 67 Am. Dec. 748) 181, 187, 199, 1571  
 — *v.* Senter (72 Vt. 112; 47 Atl. 392) 735  
 Montpelier National Life Ins. Co. *v.* Huron Board of Education (27 U. S. App. 244) 842  
 — *v.* Huron Board of Education (62 Fed. Rep. 778) 1258, 1369, 1400, 1401, 1453, 1454, 1459, 1461, 1466, 1481, 1503  
 — *v.* Mead (13 S. Dak. 37; 82 N. W. 78) 1455, 1456, 1495  
 Montpelier Sav. Bank & Trust Co. *v.* School Dist. (115 Wis. 622; 92 N. W. 439) 1454, 1460, 1475, 1476  
 Montreal Gas Co. *v.* Cadieux ([1899] L. R. App. Cas. 589) 2221  
 Montross *v.* State (61 Miss. 429) 1117  
 Montville *v.* Haughton (7 Conn. 543) 682



## TABLE OF CASES CITED

275

[References are to pages]

- Moody v. Cass County** (74 Mo. 307; s. c. 85 Mo. 477) 1305  
 — *v. Chadwick* (52 La. An. 1888; 28 So. 361) 2593  
 — *v. Keener* (7 Port. [Ala.] 218) 678  
 — *v. Niagara County* (46 Barb. [N. Y.] 659) 2850  
 — *v. Saratoga Springs* (163 N. Y. 581; 57 N. E. 1118) 3042  
 — *v. Spotorno* (112 La. 1008; 36 So. 836) 989, 2527  
 — *v. Williamsburg* (120 Ky. 192; 88 S. W. 1075) 963, 986, 987  
**Moore v. Smedley** (6 Johns. Ch. [N. Y.] 28) 2747  
**Moon v. Champaign** (116 Ill. App. 403) 802  
 — *v. Howard County* (97 Ind. 176) 2824  
 — *v. Middletown* (14 Ohio Cir. Ct. R. 498) 3002  
 — *v. Mills* (119 Mich. 298; 77 N. W. 926; 75 Am. St. Rep. 390) 1898  
 — *v. Missouri Pac. R. Co.* (83 Mo. App. 458) 441  
**Mooney v. Kennett** (19 Mo. 551; 61 Am. Dec. 576) 979, 980  
 — *v. Luzerne* (186 Pa. 161; 40 Atl. 311; 40 L. R. A. 311) 2911  
**Moor v. Cornville** (13 Me. 293) 1194  
 — *v. Newfield* (4 Me. 44) 829, 830, 883, 889, 988  
**Moore, Ex parte** (62 Ala. 471) 121, 590, 592, 953, 961, 2733  
 — *v. Abbott* (32 Me. 46) 2970, 2971, 2972, 3003  
 — *v. Albany* (98 N. Y. 396) 1190, 1235, 1824, 2921  
 — *v. Atlanta* (70 Ga. 611) 1664, 2750, 2944  
 — *v. Barry* (30 S. Car. 530; 9 S. E. 589; 4 L. R. A. 294) 2604  
 — *v. Bradley Prot. School Dist.* (5 Manitoba Rep. 49) 608  
 — *v. Cape Girardeau* (103 Mo. 470; 15 S. W. 755) 1727  
 — *v. Champlain Elect. Co.* (88 N. Y. App. Div. 289; 85 N. Y. Supp. 518) 2212  
 — *v. Chicago* (60 Ill. 243) 2404  
 — *v. Durgin* (68 Me. 148) 1149  
 — *v. Eufaula* (97 Ala. 670; 11 So. 921) 1926, 2349  
 — *v. Fitchburg R. Corp.* (4 Gray [Mass.] 465; 64 Am. Dec. 83) 2876  
 — *v. Gadsden* (87 N. Y. 84; 41 Am. Rep. 352; s. c. 93 N. Y. 12) 2985, 2986  
 — *v. Haddonfield* (62 N. J. L. 386, 792; 41 Atl. 946, aff'g 61 N. J. L. 470; 39 Atl. 681) 1946  
**Moore v. Harrodsburg** ([Ky.], 105 S. W. 926) 2207  
 — *v. Holt* (55 W. Va. 507; 47 S. E. 251) 2800  
 — *v. Hupp* (17 Idaho, 232; 105 Pac. 209) 2771  
 — *v. Johnston* (87 Ala. 220; 6 So. 50) 1719, 1724, 1795  
 — *v. Langdon* (2 Mackey, 127; 47 Am. Rep. 262) 1035  
 — *v. Little Rock* (42 Ark. 66) 1704, 1715  
 — *v. Los Angeles* (72 Cal. 287; 13 Pac. 855) 2920, 3037  
 — *v. McIntyre* (110 Mich. 237; 68 N. W. 130) 2602  
 — *v. Mills* (191 Mass. 56; 77 N. E. 638) 1101  
 — *v. Minneapolis* (19 Minn. 300) 2984, 2993, 3016, 3019, 3020  
 — *v. New Orleans Waterworks Co.* (114 Fed. Rep. 380) 1987, 2066  
 — *v. New York* (8 N. Y. 110; 59 Am. Dec. 473) 1703  
 — *v. New York* (73 N. Y. 238; 29 Am. Rep. 134) 1181, 1186, 1192, 1194, 1436, 2810, 2812, 2869  
 — *v. New York* (4 Sandf. [N. Y.] 456) 1620  
 — *v. New York Elev. R. Co.* (130 N. Y. 523; 29 N. E. 997) 2047  
 — *v. Paola* (63 Kan. 867; 66 Pac. 1040) 2526  
 — *v. People* (14 How. [U. S.] 13) 971  
 — *v. People* (106 Ill. 376) 109  
 — *v. Perry* (119 Iowa, 423; 93 N. W. 510) 866, 869, 871, 910, 911, 913, 2795  
 — *v. Roberts* (64 Wis. 538; 25 N. W. 564) 1733  
 — *v. Sharp* (98 Tenn. 65; 38 S. W. 411) 718  
 — *v. St. Paul* (82 Minn. 494; 88 N. W. 163) 626  
 — *v. State* (16 Ala. 411) 969  
 — *v. State* (48 Miss. 147; 12 Am. Rep. 367) 970  
 — *v. State* (11 Lea [Tenn.] 35) 960  
 — *v. Toledo Independent District* (55 Iowa, 654; 8 N. W. 631) 1143  
 — *v. Townsend* (76 Minn. 64; 78 N. W. 880) 3030  
 — *v. Turner* (43 Ark. 243) 124  
 — *v. Walla Walla* (60 Fed. Rep. 961) 348, 1386  
 — *v. Walla Walla* (2 Wash. Ter. 184; 2 Pac. 187) 1043  
**Moore v. State** (71 Neb. 522; 99 N. W. 249) 2649, 2707  
**Moose v. Carson** (104 N. Car. 431; 10 S. E. 689) 1716, 1737, 1897

[References are to pages]

- Mootry v. Danbury* (45 Conn. 550; 29 Am. Rep. 703) 1043, 3037, 3041
- Moran v. Atlanta* (102 Ga. 840; 30 S. E. 298) 967
- *v. Elizabeth* (9 Fed. Rep. 72) 2678
- *v. Hudson* (34 N. J. L. 25; s. c. 34 N. J. L. 531) 2604, 2605
- *v. Lindell* (52 Mo. 229) 2585
- *v. Long Island City* (101 N. Y. 439; 5 N. E. 80) 447
- *v. McCleers* (63 Barb. [N. Y.] 185) 3041
- *v. Miami County* (2 Black [U. S.] 722) 583, 1325, 1350, 1403, 1420, 1424, 1437, 1439, 1461, 1471, 1537
- *v. New Orleans* (112 U. S. 69) 513, 926, 2331
- *v. New York* (98 N. Y. App. Div. 301; 90 N. Y. Supp. 596) 2967
- *v. Palmer* (13 Up. Can. C. P. 450) 669
- *v. Pullman Palace Car Co.* (134 Mo. 641; 36 S. W. 659; 56 Am. St. Rep. 543) 2840
- *v. St. Paul* (54 Minn. 279; 56 N. W. 80) 2818
- *v. Thompson* (20 Wash. 525; 56 Pac. 29) 1170, 1197
- Morange v. Mix* (44 N. Y. 315) 2496
- Morano v. New Orleans* (2 La. 217) 1073, 1080
- Morant v. Chamberlain* (6 H. & N. 541) 1696
- Morbeck v. State* (28 Ind. 86) 763
- Morden v. Porter* (7 C. B. N. s. 641) 1129
- Mordhurst v. Ft. Wayne & S. W. Traction Co.* (163 Ind. 268; 71 N. E. 642; 66 L. R. A. 105; 106 Am. St. Rep. 222) 1952, 2013, 2031
- Morehouse v. Brigham* (41 La. An. 665; 6 So. 257) 2470
- *v. Dixon* (39 Ill. App. 107) 2974
- Moreland v. Detroit* (130 Mich. 343; 89 N. W. 935) 736, 1212
- *v. Millen* (126 Mich. 381; 85 N. W. 882) 163, 176
- *v. Passaic* (63 N. J. L. 208; 42 Atl. 1058) 1147, 1214
- Moreton v. St. Anthony* (9 Idaho, 532; 74 Pac. 262) 2950
- Morewood v. Wakefield* (133 Mass. 240) 1100, 1101
- Morewood Avenue* (159 Pa. 20; 28 Atl. 123, 132) 2539, 2557, 2560
- Morey v. Brown* (42 N. H. 373) 1100, 1101
- *v. Newfane* (8 Barb. [N. Y.] 645) 144, 2855, 2857, 2952
- Morford v. Barnes* (8 Yerg. [Tenn.] 444) 1133, 1669
- *v. Unger* (8 Iowa, 82) 137, 618, 2429
- Morgan, In re* (26 Colo. 415; 58 Pac. 1071; 47 L. R. A. 52; 77 Am. St. Rep. 269) 205, 207, 208
- *v. Atlanta* (77 Ga. 662) 440
- *v. Beloit* (U. S. C. C. Wis.) 2695, 2696
- *v. Binghampton* (102 N. Y. 500; 7 N. E. 424) 3049
- *v. Chicago & A. R. Co.* (96 U. S. 716) 1695, 1715, 1727
- *v. Commonwealth* (98 Va. 812; 35 S. E. 448) 2471, 2472
- *v. Cree* (46 Vt. 773; 14 Am. Rep. 773) 2419
- *v. Denver* (14 Colo. App. 147; 59 Pac. 619) 745
- *v. Des Moines* (60 Fed. Rep. 208) 2818
- *v. Des Moines & St. L. R. Co.* (64 Iowa, 589; 21 N. W. 96; 52 Am. Rep. 462) 2012
- *v. Dubuque* (28 Iowa, 575) 1248, 1252
- *v. Elizabeth* (44 N. J. L. 571) 2509
- *v. Hallowell* (57 Me. 375) 2958
- *v. Johnson* (106 Fed. Rep. 452) 1583, 1597
- *v. Long* (29 Iowa, 434) 764
- *v. Menzies* (60 Cal. 341) 1154
- *v. Nunn* (84 Fed. Rep. 551) 786
- *v. Orange* (50 N. J. L. 389; 13 Atl. 240) 986, 2476
- *v. Parham* (16 Wall. [U. S.] 471) 2417, 2418
- *v. Quackenbush* (22 Barb. [N. Y.] 72) 644, 649, 652
- *v. Reading* (11 Miss. 366) 493
- *v. Rhinelander* (105 Wis. 138; 81 N. W. 132) 2814, 2822
- *v. Schusselle* (228 Ill. 106; 81 N. E. 814) 2388, 2389
- *v. State* (81 Ala. 72; 1 So. 472) 1001
- *v. State* (64 Neb. 369; 90 N. W. 108) 1113
- *v. United States* (113 U. S. 476, rev'g 18 Court of Claims Rep. 386) 1545, 1546
- *v. Waldeck* (17 Fed. Rep. 286) 628
- *v. Wetzel County Ct.* (53 W. Va. 372; 44 S. E. 182) 2665, 2748
- Morgan City v. Dalton* (112 La. 9; 36 So. 208) 509, 2786
- Morgan County v. Pritchett* (85 Ind. 68) 2953
- *v. Seaton* (90 Ind. 158) 1148, 1200

## TABLE OF CASES CITED

277

[References are to pages]

- Morgan Park *v.* Gahan (136 Ill. 515; 26 N. E. 1085) 1222, 2637  
 — *v.* Wiswall (155 Ill. 262; 40 N. E. 611) 2546, 2547, 2554, 2555  
 Morgan's L. & T. R. & S. S. Co. *v.* Louisiana Board of Health (118 U. S. 455) 2312  
 Morlan *v.* Marcellus (150 Mich. 400; 114 N. W. 236) 2817  
 Morley *v.* Buchanan (124 Mich. 128; 82 N. W. 802) 3043  
 — *v.* Great Western R. Co. (16 Up. Can. Q. B. 504) 3006  
 Morrell *v.* Dixfield (30 Me. 157) 765, 1194  
 — *v.* Sylvester (1 Me. 248) 680  
 Morrice *v.* Sutton (139 Mich. 643; 103 N. W. 188) 2132  
 Morrill *v.* Smith County (89 Tex. 529; 36 S. W. 56) 569, 1456  
 — *v.* State (38 Wis. 428; 20 Am. Rep. 12) 2323, 2469  
 Morrilton *v.* Comes (75 Ark. 458; 87 S. W. 1024) 1013  
 Morrilton Waterworks Imp. Dist. *v.* Earl (71 Ark. 4; 69 S. W. 577; 71 S. W. 666) 2374  
 Morris, *In re* (11 Gratt. [Va.] 292) 2647, 2726  
 — *v.* Baltimore (5 Gill [Md.] 244) 2829, 2832  
 — *v.* Bayonne (53 N. J. L. 299; 21 Atl. 453) 319, 2620  
 — *v.* Bell County ([Ky.], 50 S. W. 531) 1319  
 — *v.* Bowers (Wright [Ohio] 750) 1687  
 — *v.* Brower (Anthon's N. P. [N. Y.] 368) 1049  
 — *v.* Burdett (1 Camp. 218) 741  
 — *v.* Chicago (11 Ill. 650) 1645  
 — *v.* Council Bluffs (67 Iowa, 343; 25 N. W. 274; 56 Am. Rep. 343) 3045  
 — *v.* Glover (121 Ga. 751; 49 S. E. 786) 2665  
 — *v.* Interurban St. R. Co. (100 N. Y. App. Div. 295; 91 N. Y. Supp. 479) 2998, 3000  
 — *v.* Lone Star Chapter (68 Tex. 698; 5 S. W. 519) 2444  
 — *v.* Municipal Gas Co. (121 La. 1016; 46 So. 1001) 2768  
 — *v.* Nashville (6 Lea [Tenn.] 337) 619  
 — *v.* New Haven (78 Conn. 673; 63 Atl. 123) 2829  
 — *v.* People (3 Denio [N. Y.] 381) 133, 563  
 — *v.* Philadelphia (195 Pa. St. 372; 45 Atl. 1068) 2985  
 — *v.* Philadelphia (199 Pa. 357; 49 Atl. 70) 1663  
 — *v.* Rome (10 Ga. 532) 1015  
 Morris *v.* Sea Girt Land Imp. Co. (38 N. J. Eq. 304) 1636, 1747  
 — *v.* State (62 Tex. 728) 143, 193, 604  
 — *v.* State (65 Tex. 53) 591, 2180  
 — *v.* Switzerland County (131 Ind. 285; 31 N. E. 77) 2856  
 — *v.* Taylor (31 Ore. 62; 49 Pac. 660) 380  
 — *v.* Underwood (19 Ga. 559) 2743  
 — *v.* United States (174 U. S. 196) 511  
 Morris & Cummings Dredging Co., Matter of (116 N. Y. App. Div. 257; 101 N. Y. Supp. 726) 1213  
 Morris & E. R. Co. *v.* Jersey City (36 N. J. L. 56) 2506, 2590  
 — *v.* Jersey City (63 N. J. Eq. 45; 51 Atl. 387) 1714  
 — *v.* Newark (10 N. J. Eq. 352) 1933, 1943, 2010  
 — *v.* Newark Pass. R. Co. (51 N. J. Eq. 379; 29 Atl. 184, *aff'd* 52 N. J. Eq. 340; 31 Atl. 383) 1788, 1790, 1983, 2002, 2007  
 — *v.* Orange (63 N. J. L. 252; 43 Atl. 730; 47 Atl. 363) 1617  
 — *v.* Prudden (20 N. J. Eq. 530) 1789  
 Morris & Whitehead *v.* Taylor (31 Ore. 62; 49 Pac. 660) 1495  
 Morris Canal & B. Co. *v.* Central R. Co. (16 N. J. Eq. 419) 1702  
 — *v.* Fagin (22 N. J. Eq. 430) 1784  
 — *v.* Jersey City (12 N. J. Eq. 252; s. c. 12 N. J. Eq. 547) 990, 991, 1701, 2748, 2793, 2796  
 — *v.* Jersey City (26 N. J. Eq. 294) 1662  
 — *v.* State (24 N. J. L. 62) 1833  
 Morris Canal Co. *v.* Fisher (1 Stockt. Ch. [N. J.] 667; 64 Am. Dec. 423) 1325  
 Morris County *v.* Hinchman (31 Kan. 729; 3 Pac. 504) 1190  
 Morris Tp. *v.* Carey (27 N. J. Law 377) 771  
 Morrison *v.* Austin State Bank (213 Ill. 472; 72 N. E. 1109; 104 Am. St. Rep. 225, *rev'g* 113 Ill. App. 651) 1295, 1299, 1300, 1393  
 — *v.* Bachert (112 Pa. 322; 5 Atl. 739) 247, 249, 285, 326  
 — *v.* Bernards (36 N. J. Law, 219) 1391  
 — *v.* Cantor (75 N. Y. App. Div. 480; 78 N. Y. Supp. 385, *aff'd* 173 N. Y. 646; 66 N. E. 1112) 807  
 — *v.* Eau Claire (115 Wis. 538; 92 N. W. 280; 95 Am. St. Rep. 955) 2822

[References are to pages]

- Morrison v. Hershire* (32 Iowa, 271) 2525, 2529, 2530, 2562, 2585, 2790
- *v. Hinkson* (87 Ill. 587; 29 Am. Rep. 77) 1586, 1588, 1831, 1911, 1912, 2678
- *v. Howe* (120 Mass. 565) 1089, 1090
- *v. Lawrence* (98 Mass. 219) 873, 882, 883, 2872, 2880, 2882
- *v. McDonald* (21 Me. 550) 669, 1119
- *v. McFarland* (51 Ind. 206) 777
- *v. Morey* (146 Mo. 543; 48 S. W. 629) 63, 2386, 2503, 2622
- *v. People* (196 Ill. 454; 63 N. E. 989) 686, 688, 693
- *v. Shipman* (37 Wash. 171; 79 Pac. 632) 2487
- *v. Syracuse* (175 N. Y. 523; 67 N. E. 1085) 2999
- *v. Syracuse* (45 N. Y. App. Div. 421; 61 N. Y. Supp. 313) 2998
- Morristown v. Cain* ([Tenn. Ch. App.], 44 S. W. 471) 1706
- *v. East Tennessee Tel. Co.* (115 Fed. Rep. 304) 897, 1922, 1974, 1985
- *v. Moyer* (67 Pa. 355) 1788
- *v. Shelton* (1 Head [Tenn.] 24) 105, 110
- Morroney v. New York* (49 N. Y. Misc. 307; 97 N. Y. Supp. 642) 2961
- Morrow v. Highland Grove Traction Co.* (219 Pa. 619; 69 Atl. 41; 123 Am. St. Rep. 677) 1747, 1748, 1749
- *v. Kansas City* (186 Mo. 675; 85 S. W. 572) 115, 116
- *v. Surber* (97 Mo. 155; 11 S. W. 48) 1290
- *v. Wood* (56 Ala. 1) 682
- Morse v. Belfast* (77 Me. 44) 2973, 2974
- *v. Boston* (109 Mass. 446) 2984
- *v. Haynes* (22 Up. Can. Q. B. 107) 3051
- *v. Hodsden* (5 Mass. 314) 681
- *v. Norfolk County* (170 Mass. 555; 49 N. E. 925) 2795
- *v. O'Connell* (7 Wash. 117; 34 Pac. 426) 494
- *v. Omaha* (67 Neb. 426; 93 N. W. 734) 2537, 2596
- *v. Richmond* (41 Vt. 435; 98 Am. Dec. 600) 2963, 2970, 2978
- *v. Stocker* (1 Allen [Mass.] 150) 1726
- *v. Sweeney* (15 Ill. App. 486) 1849, 1853
- *v. Westport* (110 Mo. 502; 19 S. W. 831) 621, 928, 1261
- Morse v. Worcester* (139 Mass. 389; 2 N. E. 694) 3037, 3048, 3052, 3053, 3057
- *v. Zeize* (34 Minn. 35; 24 N. W. 287) 1709, 1713, 1725, 1733, 1746
- Mortimer v. Manhattan R. Co.* (129 N. Y. 81; 29 N. E. 5) 2041
- Mortland v. Christian* (52 N. J. L. 521; 20 Atl. 673) 283, 325
- Morton v. Broderick* (118 Cal. 475; 50 Pac. 644) 910
- *v. Carlin* (51 Neb. 202; 70 N. W. 966) 1369, 1480, 2772
- *v. Comptroller-General* (4 S. Car. 430) 655
- *v. Harvey* (57 Neb. 304; 77 N. W. 808) 1266
- *v. Lee* (28 Kan. 286) 1370
- *v. Macon* (111 Ga. 162; 36 S. E. 627; 50 L. R. A. 485) 1004
- *v. Moore* (15 Gray [Mass.] 573) 1898
- *v. New York* (140 N. Y. 207; 35 N. E. 490) 2912
- *v. Pacific Coast Steamship Co.* (122 Cal. 352; 55 Pac. 1) 510
- *v. Youngerman* (89 Ky. 505; 12 S. W. 944) 854, 857, 858
- Mory v. Oley Valley R. Co.* (199 Pa. 152; 48 Atl. 971) 1990
- Moseley v. Collins* (133 Ala. 326; 32 So. 131) 2650, 2710
- *v. Stucken* (26 Tex. Civ. App. 290; 62 S. W. 1103) 440
- Moses v. Kearney* (31 Ark. 261) 2708
- *v. Key West* (15 N. Y. Misc. 15; 36 N. Y. Supp. 979, aff'd 157 N. Y. 689; 51 N. E. 1092) 1401
- *v. MacFerlan* (2 Burr. 1005) 1549
- *v. Mobile* (52 Ala. 198) 989
- *v. Pittsburgh, Ft. W. & C. R. Co.* (21 Ill. 516) 1796, 1933, 1971, 1972, 1979, 2010, 2016, 2925, 3036
- *v. Risdon* (46 Iowa, 251) 459
- *v. St. Louis Sectional Dock Co.* (84 Mo. 242) 1648, 1705
- *v. United States* (16 App. D. C. 428; 50 L. R. A. 532) 1052, 1053, 1056
- Mosey v. Troy* (61 Barb. [N. Y.] 580) 2968, 3021
- Mosher v. Ackley Independent School Dist.* (44 Iowa, 122) 224, 348, 409, 1454
- Mosheuvel v. District of Columbia* (17 App. D. C. 401) 2999
- Mosley v. Walker* (7 Barn. & Cr. 40) 1072
- Moss v. Burlington* (60 Iowa, 438; 15 N. W. 267; 46 Am. Rep. 32) 2971, 2990

## TABLE OF CASES CITED

279

[References are to pages]

- Moss v. Cummings** (44 Mich. 359; 6 N. W. 843) 771, 2827, 2832  
 — **v. Fairbury** (66 Neb. 671; 92 N. W. 721) 2452, 2602  
 — **v. Harpeth Academy** (7 Heisk. [Tenn.] 283) 1343  
 — **v. McCullough** (5 Hill [N. Y.] 131) 1329  
 — **v. Oakland** (88 Ill. 109) 948  
 — **v. Oakley** (2 Hill [N. Y.] 265) 1293, 1329  
**Mott v. Cherryvale Water & Mfg. Co.** (48 Kan. 12; 28 Pac. 989; 30 Am. St. Rep. 267) 2304, 2305  
 — **v. Forsyth County** (126 N. Car. 866; 36 S. E. 330) 2709  
 — **v. Hicks** (1 Cow. [N. Y.] 513; 13 Am. Rep. 550) 1174, 1184, 1329  
 — **v. Hubbard** (59 Ohio St. 199; 53 N. E. 47) 265, 1196, 2606  
 — **v. Pennsylvania R. Co.** (30 Pa. St. 9; 72 Am. Dec. 664) 464  
 — **v. Reynolds** (27 Vt. 206) 877, 878  
 — **v. Schoolbred** (L. R. 20 Eq. 22) 1858  
**Mottman v. Olympia** (45 Wash. 361; 88 Pac. 579) 1836, 1838, 1843, 1844  
**Motz v. Detroit** (18 Mich. 495) 2503, 2541, 2561, 2565, 2629, 2790  
**Mouat Lumber Co. v. Denver** (21 Colo. 1; 40 Pac. 237) 1686, 1744, 1896, 1902, 1903  
**Moulton v. Evansville** (25 Fed. Rep. 382) 1427, 1461, 1531  
 — **v. Newburyport Water Co.** (137 Mass. 163) 1634, 1675  
 — **v. Raymond** (60 Me. 121) 229, 2319  
 — **v. Reid** (54 Ala. 320) 2751  
 — **v. Sanford** (51 Me. 127) 2970, 2971, 2979, 2990  
 — **v. Scarborough** (71 Me. 267; 36 Am. Rep. 308) 2913  
**Moultrie v. Patterson** (109 Ga. 370; 34 S. E. 600) 990  
**Moultrie County v. Fairfield** (105 U. S. 370) 1461  
 — **v. Rockingham T. C. Sav. Bank** (92 U. S. 631) 344, 1420, 1461, 1508  
**Mound City v. Snoddy** (53 Kan. 126; 35 Pac. 1112) 1190, 1244  
**Moundville v. Fountain** (27 W. Va. 182) 1012, 1125  
 — **v. Ohio River R. Co.** (37 W. Va. 92; 16 S. E. 514; 20 L. R. A. 161) 2077, 2081, 2082  
**Mount, Ex parte** (66 Cal. 448; 6 Pac. 78) 1004, 2473  
 — **v. Parker** (32 N. J. L. 341) 853  
**Mount v. State** (90 Ind. 29; 46 Am. Rep. 192) 764  
**Mt. Auburn Cable R. Co. v. Neare** (54 Ohio St. 153; 42 N. E. 768) 1969  
**Mt. Auburn Cemetery v. Cambridge** (150 Mass. 12; 22 N. E. 66; 4 L. R. A. 836) 2588  
**Mt. Carbon C. & R. Co. v. Blanchard** (54 Ill. 240) 2770, 2771, 2786  
**Mt. Carmel v. Blackburn** (53 Ill. App. 658) 2985  
 — **v. Guthridge** (52 Ill. App. 632) 2974  
 — **v. Shaw** (155 Ill. 37; 39 N. E. 584; 27 L. R. A. 580) 1097, 1837, 1839  
 — **v. Wabash County** (50 Ill. 69) 997, 1014, 1016  
**Mt. Clemens v. Macomb Dist. Judge** (119 Mich. 293; 77 N. W. 936) 1668  
 — **v. Sherbert** (122 Mich. 674; 81 N. W. 926) 931, 995  
**Mt. Desert v. Monmouth** (72 Me. 348) 625  
**Mt. Hermon Boys' School v. Gill** (145 Mass. 139; 13 N. E. 354) 2446  
**Mt. Hope Cemetery v. Boston** (158 Mass. 509; 33 N. E. 695; 35 Am. Rep. 515) 188, 202, 237  
**Mt. Morris, Matter of** (41 Hun [N. Y.] 29) 150  
 — **v. Kanode** (98 Ill. App. 373) 766, 2975  
 — **v. Williams** (38 Ill. App. 401) 1319  
**Mt. Morris Square, In re** (2 Hill [N. Y.] 14) 872, 2793, 2795, 2798, 2799  
**Mt. Pleasant v. Baltimore & O. R. Co.** (138 Pa. 365; 20 Atl. 1052; 11 L. R. A. 520) 2589, 2590  
 — **v. Beckwith** (100 U. S. 514) 143, 154, 194, 599, 601, 604, 624, 626, 627, 630, 2686, 2690  
 — **v. Breeze** (11 Iowa, 399) 922, 970, 1095, 1111  
 — **v. Clutch** (6 Iowa, 546) 994  
 — **v. Eversole** ([Ky.], 96 S. W. 478) 610  
 — **v. Vansice** (43 Mich. 361; 5 N. W. 378; 38 Am. Rep. 193) 1018  
**Mt. Pleasant Cemetery Co. v. Newark** (50 N. J. L. 66; 11 Atl. 147) 2448  
**Mt. Sinai Hospital v. Hyman** (92 N. Y. App. Div. 270; 87 N. Y. 276) 1582, 1583  
**Mt. Sterling v. Jephson** ([Ky.], 53 S. W. 1046) 3043  
**Mt. Vernon, In re** (147 Ill. 359; 35 N. E. 533) 2577



[References are to pages]

- Mt. Vernon v. Brooks* (39 Ill. App. 426) 2965, 3000  
 — *v. Dusouchett* (2 Ind. 587; 54 Am. Dec. 467) 3001  
 — *v. Evens & Howard Brick Co.* (204 Ill. 32; 68 N. E. 208) 334  
 — *v. Hoehn* (22 Ind. App. 282; 53 N. E. 654) 2960  
 — *v. Hovey* (52 Ind. 563) 569  
 — *v. New York Interurban Water Co.* (115 N. Y. App. Div. 658; 101 N. Y. Supp. 232) 2241  
 — *v. Seeley* (74 N. Y. App. Div. 50; 77 N. Y. Supp. 250) 990, 1067  
 — *v. State* (71 Ohio St. 428; 73 N. E. 515; 104 Am. St. Rep. 783) 1190, 1196  
 — *v. Young* (124 Iowa, 517; 100 N. W. 694) 1705, 1709  
*Mt. Washington Road Co., Re* (35 N. H. 134) 1639, 1670  
*Mountain Grove Bank v. Douglas County* (146 Mo. 42; 47 S. W. 944) 412, 416  
*Mouse's Case* (12 Coke, 63) 2846  
*Mowatt v. Wright* (1 Wend. [N. Y.] 355; 19 Am. Dec. 508) 2834  
*Mower v. Leicester* (9 Mass. 247; 6 Am. Dec. 63) 76, 767, 2854, 2857, 2859, 2957  
*Mowery v. Camden* (49 N. J. L. 106; 6 Atl. 438) 2796  
 — *v. Salisbury* (82 N. Car. 175) 567, 1100, 1102  
*Mowrer v. Helferstine* (80 Mo. 23) 2771, 2787  
*Mowrey v. Central City R. Co.* (51 N. Y. 666) 1981  
*Mowry v. Boston* (173 Mass. 425; 53 N. E. 885) 1675  
*Moyamensing v. Long* (1 Pars. [Pa.] 145) 1785, 1787  
*Moylan v. New Orleans* (32 La. An. 673) 1249, 1250  
*Moynihan v. Todd* (188 Mass. 301; 74 N. E. 367; 108 Am. St. Rep. 473) 767, 768, 772, 773, 775, 776  
 — *v. Whidden* (143 Mass. 287; 9 N. E. 645) 2959  
*Mozley v. Alston* (1 Phill. 790) 838  
*Mudge v. Walker* (122 Ky. 29; 90 S. W. 1046) 1820  
*Mueller v. Cavour* (107 Wis. 599; 83 N. W. 944) 1318  
 — *v. Milwaukee* (110 Wis. 623; 86 N. W. 162) 2966  
*Mugge v. Tampa Water Works Co.* (52 Fla. 371; 42 So. 81; 6 L. R. A. n. s. 1171; 120 Am. St. Rep. 207) 2305  
*Mugler v. Kansas* (123 U. S. 623) 556, 1016, 1604, 2351  
*Muhlenberg v. Tacoma* (21 Wash. 306; 57 Pac. 811) 1303  
*Muhlenbrinck v. Long Branch* (42 N. J. L. 364; 36 Am. Rep. 518) 996, 1004, 2462  
*Muhlenburg Co. v. Morehead* ([Ky.], 46 S. W. 691) 2679  
*Muhlker v. New York & H. R. Co.* (197 U. S. 544, rev'g 173 N. Y. 549; 66 N. E. 558) 1781  
*Muhs v. Fire Ins. Salvage Corps* (89 N. Y. App. Div. 389; 85 N. Y. Supp. 911) 1853  
*Muir's Adm'rs v. Bardstown* (120 Ky. 739; 87 S. W. 1096) 946  
*Mulberry v. O'Dea* (4 Cal. App. 385; 88 Pac. 367) 1262  
*Mulcahy v. Newark* (57 N. J. L. 513; 31 Atl. 226) 2462  
*Mulcairns v. Janesville* (67 Wis. 24; 29 N. W. 565) 2880, 3005  
*Mulchey v. Methodist Religious Society* (125 Mass. 487) 2897  
*Mulholland v. Des Moines, A. & W. R. Co.* (60 Iowa, 740; 13 N. W. 726) 1822, 2012, 2928  
 — *v. New York* (113 N. Y. 631; 20 N. E. 856) 1226, 1232  
*Mullally v. New York* (3 Hun [N. Y.] 661, aff'd 62 N. Y. 636) 1147  
*Mullane v. Newark* ([N. J. L.], 68 Atl. 412) 1197  
*Mullarkey v. Cedar Falls* (19 Iowa, 21) 462, 530, 1169, 1834  
*Mullen v. Erie County* (85 Pa. 288; 27 Am. Rep. 650) 2446  
 — *v. Glens Falls* (11 N. Y. App. Div. 275; 42 N. Y. Supp. 113) 1852  
 — *v. Owosso* (100 Mich. 103; 58 N. W. 663; 23 L. R. A. 693; 43 Am. St. Rep. 436) 3004  
 — *v. Sackett* (14 Wash. 100; 44 Pac. 136) 400  
 — *v. St. Johns* (57 N. Y. 567; 15 Am. Rep. 530) 2978  
*Muller v. District of Columbia* (5 Mackey [D. C.] 286) 3017  
 — *v. Rutland* (55 Vt. 77) 2963  
*Mulligan v. Lexington* (126 Mo. App. 715; 105 S. W. 1104;) 1191  
 — *v. Seattle* (42 Wash. 264; 84 Pac. 721) 2820  
 — *v. Smith* (59 Cal. 206) 1647, 2595  
*Mullikin v. Bloomington* (72 Ind. 151) 615, 620  
*Mullins v. Siegel-Cooper Co.* (95 N. Y. App. Div. 234; 88 N. Y. Supp. 737) 3030  
*Mulnix v. Mutual Ben. L. Ins. Co.* (23 Colo. 81; 46 Pac. 127) 1294  
*Multnomah County v. Sliker* (10 Oreg. 65) 333, 1770  
*Mulvey v. New York City* (114



[References are to pages]

- N. Y. App. Div. 526, aff'd 189  
 N. Y. 564; 82 N. E. 1129; 99  
 N. Y. Supp. 1114) 1864  
*Mumma v. Potomac County* (8  
 Pet. [U. S.] 281) 190, 192, 589,  
 593, 2177  
*Muncie v. Hey* (164 Ind. 570; 74  
 N. E. 250) 2966, 2967, 2984, 2988,  
 2998  
 — *v. Spence* (33 Ind. App. 599;  
 71 N. E. 907) 2969  
*Muncie Nat. Gas Co. v. Muncie*  
 (160 Ind. 97; 66 N. E. 436; 60  
 L. R. A. 822) 2109, 2236, 2237,  
 2238  
*Muncy Elect. L., H. & P. Co. v.*  
*People's Elect. L., H. & P. Co.*  
 (218 Pa. 636; 67 Atl. 956) 1953,  
 2163, 2165, 2170  
*Munday v. Rahway* (43 N. J. L.  
 338) 2318, 2512, 2673  
*Munger v. Marshalltown* (56 Iowa,  
 216; 9 N. W. 192) 3001  
 — *v. St. Paul* (57 Minn. 9; 58  
 N. W. 601) 2928  
 — *v. Tonawanda R. Co.* (4 N.  
 Y. 349; 53 Am. Dec. 384) 3000  
*Municipal Security Co. v. Baker*  
*County* (33 Oreg. 338; 54 Pac.  
 174) 353, 1287, 1296  
 — *v. Baker County* (39 Oreg.  
 396; 65 Pac. 369) 409  
*Municipal Tr. Co. v. Johnson City*  
 (116 Fed. Rep. 458) 390, 393,  
 1462, 1469, 1516  
*Municipality No. 1 v. Blineau* (3  
 La. An. 688) 931, 1043  
 — *v. Cutting* (4 La. An. 335) 895,  
 975, 978, 985, 1073, 1075, 1080  
 — *v. Gaslight Co.* (5 La. An.  
 439) 1849  
 — *v. Kirk* (5 La. An. 34) 1757  
 — *v. Louisiana State Bank* (5  
 La. An. 394) 2422  
 — *v. McDonough* (2 Rob. [La.]  
 244) 1327, 1340, 1562, 2099  
 — *v. Orleans Theatre Company*  
 (2 Rob. [La.] 209) 233  
 — *v. Pease* (2 La. 538) 474, 514  
 — *v. Sinking Fund Commission-*  
*ers* (1 Rob. [La.] 279) 445  
 — *v. Wheeler* (10 La. An. 745) 2441  
 — *v. Wilson* (5 La. An. 747) 968,  
 971  
*Municipality No. 2 v. Botts* (8  
 Rob. [La.] 198) 2638  
 — *v. Commercial Bank of New*  
*Orleans* (5 Rob. [La.] 151) 2444,  
 2457, 2459  
 — *v. Dubois* (10 La. An. 56) 995  
 — *v. Duncan* (2 La. An. 182) 2406  
 — *v. Dunn* (10 La. An. 57) 1665,  
 2379, 2497, 2498, 2503, 2581  
*Municipality No. 2 v. Guilotte* (14  
 La. An. 297) 2632  
 — *v. Morgan* (1 La. An. 111) 987  
 — *v. New Orleans & C. R. Co.*  
 (10 Rob. [La.] 187) 2445, 2457  
 — *v. Orleans Cot. Press Co.* (6  
 Rob. [La.] 411) 2457  
 — *v. Palfrey* (7 La. An. 497) 1722  
 — *v. Pauce* (6 La. An. 515) 2483  
 — *v. White* (9 La. An. 446) 2497  
*Municipality No. 3 v. Blanc* (1 La.  
 An. 385) 1100  
 — *v. Hart* (6 La. An. 570) 468  
 — *v. Johnson* (6 La. An. 20) 2406,  
 2407  
 — *v. Levee, S. C. P. Co.* (7 La.  
 An. 270) 1652, 1744  
 — *v. Michoud* (6 La. An. 605) 2425  
 — *v. Ursuline Nuns* (2 La. An.  
 611) 2425  
*Munk v. Watertown* (67 Hun [N.  
 Y.] 261; 22 N. Y. Supp. 227) 2877  
*Munn, Matter of* (165 N. Y. 149;  
 58 N. E. 881, rev'g 49 N. Y.  
 App. Div. 232; 63 N. Y. Supp.  
 22) 2528  
 — *v. Hudson* (61 N. Y. App.  
 Div. 343; 70 N. Y. Supp. 525) 3055,  
 3056  
 — *v. Illinois* (94 U. S. 313) 515,  
 554, 555, 2226, 2228  
 — *v. Pittsburgh* (40 Pa. St. 364)  
 3054, 3056  
*Munsell v. Temple* (8 Ill. 96) 1010  
*Munson v. Atchafalaya Basin Le-*  
*vee Dist.* (43 La. An. 15; 8 So.  
 906) 2380, 2505  
 — *v. New York* (3 Fed. Rep.  
 338) 2866  
*Murdoch v. Strange* (99 Md. 89;  
 57 Atl. 628) 635, 654, 655, 850,  
 854, 855, 856, 926  
*Murdock v. Aiken* (29 Barb. [N.  
 Y.] 170) 1534  
 — *v. Memphis* (20 Wall. [U. S.]  
 590) 445  
 — *v. Phillips Academy* (12 Pick.  
 [Mass.] 244) 808, 810, 812  
 — *v. Warwick* (4 Gray [Mass.]  
 178) 2990, 3003  
 — *v. Woodson* (2 Dillon C. C.  
 188) 137, 334  
*Murfree v. Leeper* (1 Overt. [Tenn.]  
 1) 2731  
*Murnane v. St. Louis* (123 Mo.  
 479; 27 S. W. 711) 259, 267, 272,  
 273, 275, 299, 320  
*Murphree v. Mobile* (108 Ala. 663;  
 18 So. 740) 471, 1585  
*Murphy, In re* (7 Cow. [N. Y.] 153) 645  
 — *In re* (22 Pa. Co. Ct. R.  
 29) 2732  
 — *v. Board of Education* (87

[References are to pages]

- N. Y. App. Div. 277; 84 N. Y. Supp. 380) 738
- Murphy v. Bondshu (2 Cal. App. 249; 83 Pac. 278) 1315
- v. Brooklyn (118 N. Y. 575; 23 N. E. 887) 3013
- v. Bullock (20 R. I. 35; 37 Atl. 348) 488
- v. Chicago (29 Ill. 279; 81 Am. Dec. 307) 1933, 1998, 2010, 2016, 2925, 3036
- v. Dayton (7 Ohio N. P. 227) 2998
- v. Dean (101 Mass. 455; 3 Am. Rep. 390) 3000
- v. East Portland (42 Fed. Rep. 308) 916
- v. Gloucester (105 Mass. 470) 2963, 2964, 2978, 3013
- v. Indianapolis (83 Ind. 76) 2990
- v. Indianapolis (158 Ind. 238; 63 N. E. 469) 3054
- v. Jacksonville (18 Fla. 318; 43 Am. Rep. 323) 551
- v. Keller (61 N. Y. App. Div. 145; 70 N. Y. Supp. 405) 694, 820, 821
- v. Leggett (164 N. Y. 121; 58 N. E. 42, aff'g 29 N. Y. App. Div. 309; 51 N. Y. Supp. 472) 1860, 1861, 1862, 2969
- v. Long Branch ([N. J.], 61 Atl. 593) 284, 1384, 1385, 1820
- v. Louisville (9 Bush [Ky.] 189) 144, 1169, 1188, 1191, 1193, 1195, 1250, 2451
- v. Lowell (124 Mass. 564) 775, 2905, 3026
- v. Lowell (128 Mass. 396; 35 Am. Rep. 381) 3057
- v. Montgomery (11 Ala. 586) 480, 491, 505, 515
- v. Needham (176 Mass. 422; 57 N. E. 689) 2880
- v. Omaha (33 Neb. 402; 50 N. W. 265) 1319, 1320
- v. People (120 Ill. 234; 11 N. E. 202) 2389
- v. People (2 Cow. [N. Y.] 815) 1133
- v. Peoria (119 Ill. 509; 9 N. E. 895) 1812, 1819, 1820
- v. Plattsmouth (78 Neb. 163; 110 N. W. 749) 1214, 1282
- v. St. Mary's Parish Police Jury (118 La. 401; 42 So. 979) 2763
- v. San Luis Obispo (119 Cal. 624; 51 Pac. 1085) 1380, 1381, 1386, 1387
- v. State (9 Lea [Tenn.] 373) 136
- v. Webster (131 Mass. 482) 787
- v. Yonkers (45 N. Y. App. Div. 621; 60 N. Y. Supp. 940) 1226
- Murray, Matter of (18 N. Y. App. Div. 337; 46 N. Y. Supp. 172, aff'd 155 N. Y. 628; 49 N. E. 1101) 708
- v. Allegheny (136 Fed. Rep. 57) 1583, 1758
- v. Allen (20 R. I. 263; 38 Atl. 497) 3042, 3055
- v. Barnes ([Ala.], 40 So. 348) 491
- v. Bayonne (73 N. J. L. 313; 63 Atl. 81) 1222
- v. Buckley (1 N. Y. Supp. 247) 756
- v. Charleston (96 U. S. 432) 918, 2319, 2408, 2438, 2439
- v. Gibson (21 Ill. App. 488) 1869
- v. Grass Lake (125 Mich. 2; 83 N. W. 995) 2896
- v. Hoboken Land & Imp. Co. (18 How. [U. S.] 272) 2358, 2366, 2499, 2520
- v. Lardner (2 Wall. [U. S.] 110) 1351, 1396, 1476, 1547
- v. Lehman (61 Miss. 283) 2382
- v. New York (60 N. Y. App. Div. 541; 69 N. Y. Supp. 959) 704, 707
- v. Omaha (66 Neb. 279; 92 N. W. 299; 103 Am. St. Rep. 702) 2876
- v. Ramsey County (81 Minn. 359; 84 N. W. 103) 257, 274, 275, 278, 300
- v. Tucker (10 Bush [Ky.] 240) 462, 2399, 2404, 2628, 2632
- Murray's Lessee v. Hoboken Land & Imp. Co. (18 How. [U. S.] 272) 2477
- Murtaugh v. Chicago M. & St. P. R. Co. (102 Minn. 52; 112 N. W. 860; 120 Am. St. Rep. 609) 1899, 1901
- v. St. Louis (44 Mo. 479) 2896, 2898
- Muscatine v. Chicago, R. I. & P. R. Co. (79 Iowa, 645; 44 N. W. 909) 1888, 2591, 2593
- v. Chicago, R. I. & P. R. Co. (88 Iowa, 291; 55 N. W. 100) 2525, 2530, 2591
- v. Hershey (10 Iowa, 39) 513, 514, 515
- v. Keokuk N. L. Packet Co. (45 Iowa, 185) 510, 514, 515, 2829, 2832
- v. Mississippi & Mo. R. Co. (1 Dillon C. C. 536) 193, 195, 2403, 2407
- v. Steck (7 Iowa, 505) 669, 1118, 1135, 1136
- Muscatine Turnverein v. Funck (18 Iowa, 469) 590, 601

## TABLE OF CASES CITED

283

[References are to pages]

- Muse v. Lexington* (110 Tenn. 655; 76 S. W. 481) 105, 125, 446  
*Musgrave v. Sherwood* (53 How. Pr. [N. Y.] 311) 1069  
*Musgrove v. Nevison* (1 Stra. 584) 828  
 — *v. St. Louis Catholic Church* (10 La. An. 431) 920, 1033, 1034  
*Musick v. Latrobe* (184 Pa. St. 375; 39 Atl. 226) 2975  
*Muskegon v. Hanes* (149 Mich. 460; 112 N. W. 1077) 2323, 2324  
 — *v. Zeeryp* (134 Mich. 181; 96 N. W. 502) 2323, 2324  
*Muskingum County v. State* (78 Ohio St. 287; 85 N. E. 562) 2786  
*Musselman v. Manly* (42 Ind. 462) 874, 880  
*Musser v. Adair* (55 Ohio St. 466; 45 N. E. 903) 2369  
 — *v. Fairmount & A. St. R. Co.* (7 Am. L. Reg. o. s. 284) 1946  
 — *v. Hershey* (42 Iowa, 356) 484  
 — *v. Johnson* (42 Mo. 74; 97 Am. Dec. 316) 631  
*Mutual Benefit Life Ins. Co. v. Elizabeth* (42 N. J. L. 235) 1430  
*Mutual L. & C. Ins. Co. v. Haight* (34 N. J. L. 128) 2321  
*Mutual Life Ins. Co. v. New York* (144 N. Y. 494; 39 N. E. 386) 1197  
*Mutual Reserve Fund L. Assoc. v. Augusta* (109 Ga. 73; 35 S. E. 71) 2473  
*Mutual Sav. Inst. v. Eustin* (46 Mo. 200) 2834  
*Mutual Union Tel. Co. v. Chicago* (16 Fed. Rep. 309) 1926  
*Muzzy v. Shattuck* (1 Denio [N. Y.] 233) 763  
*Myers v. Baltimore County* (83 Md. 385; 35 Atl. 144; 34 L. R. A. 309) 2335, 2336  
 — *v. Bell Tel. Co.* (83 N. Y. App. Div. 623; 82 N. Y. Supp. 83) 1928  
 — *v. Chicago* (196 Ill. 591; 63 N. E. 1037) 929  
 — *v. Croft* (13 Wall. [U. S.] 291) 1580  
 — *v. Indianapolis Un. R. Co.* (12 Ind. App. 170; 39 N. E. 907) 2584  
 — *v. Irwin* (2 Serg. & Rawle [Pa.] 368) 121  
 — *v. Jeffersonville* (145 Ind. 431; 44 N. E. 452) 1366, 1499, 1502  
 — *v. Kenyon* (7 Cal. App. 112; 93 Pac. 888) 1715  
 — *v. Manhattan Bank* (20 Ohio, 283) 91  
 — *v. Oceanside* (7 Cal. App. 87; 93 Pac. 686) 1705, 1740, 1744  
 — *v. People* (26 Ill. 173) 1118, 1133  
 — *v. St. Louis* (8 Mo. App. 266, aff'g 82 Mo. 367; s. c. 113 U. S. 566) 487  
*Myers v. Simms* (4 Iowa, 500) 1655  
 — *v. Snyder* (Bright. [Pa.] 489) 3024  
 — *v. United States* (1 McLean, 493) 683  
 — *v. York & C. R. Co.* (43 Me. 282) 1397  
 — *v. York & C. R. Co.* (43 Me. 362) 1545  
*Mygatt v. Green Bay* (1 Biss. C. C. 292) 1420  
*Myrick v. LaCrosse* (17 Wis. 442) 1212, 1649, 2608, 2789  
*Mytton v. Borden* (164 Mo. 221; 64 S. W. 172) 273, 320  
 — *v. Duck* (26 Up. Can. Q. B. 61) 1689  
*Nagel v. Dean* (94 Minn. 25; 101 N. W. 954) 1690, 1716, 1739  
 — *v. Lindell R. Co.* (167 Mo. 89; 66 S. W. 1090) 1158, 1983, 2007, 2021  
*Nagle v. Augusta* (5 Ga. 546) 1855  
 — *v. Wakey* (161 Ill. 387; 43 N. E. 1079) 770, 771, 773, 2667  
*Nahant v. United States* (136 Fed. Rep. 273; 69 L. R. A. 723) 1677  
*Nalle v. Austin* ([Tex. Civ. App.], 21 S. W. 375) 1631  
*Nance v. Anderson County* (60 S. Car. 501; 39 S. E. 5) 325  
 — *v. Falls City* (16 Neb. 85; 20 N. W. 109) 2814  
*Nanticoke v. Warne* (106 Pa. St. 373) 2984, 3003  
*Napa v. Easterly* (61 Cal. 509) 945  
 — *v. Easterby* (76 Cal. 222; 18 Pac. 253) 988  
*Napa Val. R. Co. v. Napa County* (30 Cal. 435) 2656  
*Napier, In re* (18 Q. B. 695) 2648  
 — *v. Hodges* (31 Tex. 287) 2463  
*Napman v. People* (19 Mich. 352) 933, 981, 988, 1084  
*Naschold v. Westport* (71 Mo. App. 508) 1837, 1839, 1841  
*Nash v. Eldorado Co.* (24 Fed. Rep. 252) 1398  
 — *v. Lowry* (37 Minn. 261; 33 N. W. 787) 232, 1986  
 — *v. McCracken, In re* (33 Upper Can. Q. B. 181) 1011, 1036  
 — *v. Nashville* (108 Tenn. 68; 64 S. W. 1062) 731, 732  
 — *v. St. Paul* (8 Minn. 172; s. c. 11 Minn. 174) 1191, 1197, 1214, 1265, 1285  
*Nashville v. Althorp* (5 Coldw. [Tenn.] 554) 932, 2469, 2476, 2477

[References are to pages]

- Nashville *v.* Bank of Tennessee (1 Swan [Tenn.] 269) 2433, 2435  
 — *v.* Brown (9 Heisk. [Tenn.] 1; 24 Am. Rep. 289) 3023, 3027  
 — *v.* Linck (12 Lea [Tenn.] 499) 1018  
 — *v.* Nicol (3 Baxter [Tenn.] 338) 2926  
 — *v.* Ray (19 Wall. [U. S.] 468) 528, 530, 532, 542, 543, 1169, 1283, 1289, 1295, 1296, 1298, 1299, 1340, 1349, 1352, 1355  
 — *v.* Smith (86 Tenn. 213; 6 S. W. 273) 2432  
 — *v.* Thomas (5 Coldw. [Tenn.] 600) 2397, 2423  
 — *v.* Toney (10 Lea [Tenn.] 643) 1189, 2823  
 — *v.* Towns (5 Sneed [Tenn.] 186) 177  
 Nashville, C. & St. L. R. Co. *v.* Alabama (128 U. S. 96) 2338  
 — *v.* Alabama City (134 Ala. 414; 32 So. 731) 2465  
 — *v.* Attalla (118 Ala. 362; 24 So. 450) 990, 2465, 2468  
 Nason *v.* Boston (14 Allen [Mass.] 508) 2966  
 — *v.* Poor Directors (126 Pa. St. 445; 17 Atl. 616) 764  
 Nassau Elect. R. Co., Matter of (167 N. Y. 37; 60 N. E. 279, rev'g 6 N. Y. App. Div. 141; 40 N. Y. Supp. 334) 1970  
 Nassau St., *In re* (11 Johns. [N. Y.] 77) 2572, 2573, 2574  
 Nasville *v.* Weiser (54 Ill. 245) 2611  
 Natal *v.* Louisiana (139 U. S. 621) 1072, 1128  
 Natchez, J. & C. R. Co. *v.* Lambert (70 Miss. 779; 13 So. 33) 2383  
 Nathan *v.* O'Brien (117 N. Y. App. Div. 664; 102 N. Y. Supp. 947) 2778  
 — *v.* Spokane County (35 Wash. 26; 76 Pac. 521; 65 L. R. A. 336; 102 Am. St. Rep. 888) 2365  
 Natick Gas Light Co. *v.* Natick (175 Mass. 246; 56 N. E. 292) 1843, 2056  
 National Bank *v.* Kimball (103 U. S. 732) 2766  
 National Bank of Chemung *v.* Elmira (53 N. Y. 49) 2826  
 National Bank of Commerce *v.* Grenada (41 Fed. Rep. 87) 949  
 — *v.* Grenada (44 Fed. Rep. 262; s. c. 48 Fed. Rep. 278; 54 Fed. Rep. 100) 892, 897, 945, 1485  
 National Bank of La Crosse *v.* Petterson (200 Ill. 215; 65 N. E. 687, aff'g 102 Ill. App. 501) 1275, 1276, 1393  
 National Bank of Louisville *v.* Commonwealth (9 Wall. [U. S.] 353) 2440  
 National Bank of Michigan *v.* Green (33 Iowa, 140) 1352  
 National Bank of North America of Boston *v.* Kirby (108 Mass. 497) 1351  
 National Bank of Republic of New York *v.* St. Joseph (31 Fed. Rep. 216) 464, 1517  
 National Bldg. Supply Co. *v.* Baltimore (100 Md. 188; 59 Atl. 726) 1227  
 National Dredging Co. *v.* State (99 Ala. 462; 12 So. 720) 2417  
 National Fertilizer Co. *v.* Lambert (48 Fed. Rep. 458) 1029  
 National Foundry & Pipeworks *v.* Oconto Water Co. (52 Fed. Rep. 29) 69, 454  
 National Life Ins. Co. *v.* Dawes County (67 Neb. 40; 93 N. W. 187) 1288, 1297  
 — *v.* Huron Board of Education (27 U. S. App. 244) 121, 395, 396, 457, 634  
 — *v.* Mead (13 S. Dak. 37; 82 N. W. 78; 79 Am. St. Rep. 876) 347, 380, 383, 390  
 National State Bank *v.* Marshall Independent School Dist. (39 Iowa, 490) 346, 531  
 National Surety Co. *v.* Kansas City, &c. Brick Co. (73 Kan. 196; 84 Pac. 1034) 1209, 1263  
 — *v.* State Sav. Bank (156 Fed. Rep. 21; 14 L. R. A. n. s. 155) 1298, 1309, 1311  
 — *v.* Wyandotte Coal & L. Co. (76 Kan. 914; 92 Pac. 1111) 1152, 1263, 1264  
 National Tel. Co. *v.* Baker (L. R. 2 Ch. Div. 186) 1927  
 National Tube Works Co. *v.* Chamberlain (5 Dak. 54; 37 N. W. 761) 896, 2135  
 National Water Works Co. *v.* Kansas City (28 Fed. Rep. 921) 1911, 1916, 2060, 2066  
 — *v.* Kansas City (62 Fed. Rep. 853; 10 C. C. A. 653) 2183, 2188, 2192, 2194, 2197, 2198, 2199, 2200, 2269, 2288  
 — *v.* School Dist. (23 Mo. App. 227) 2293  
 Natoma W. & M. Co. *v.* Clarkin (14 Cal. 544) 1580  
 Naugatuck R. Co. *v.* Waterbury (78 Conn. 193; 61 Atl. 474) 2589  
 Naumann *v.* Board of City Canvassers (73 Mich. 252; 41 N. W. 267) 649

## TABLE OF CASES CITED

285

[References are to pages]

- Nauvoo v. Ritter* (97 U. S. 389) 1420, 1461
- Navasota v. Pearce* (46 Tex. 525; 26 Am. Rep. 279) 2954, 2957
- Naylor v. Cox* (114 Mo. 232; 21 S. W. 589) 487
- *v. Galesburg* (56 Ill. 285) 920
- *v. Harrisonville* (207 Mo. 341; 105 S. W. 1074) 1706, 1735
- *v. Salt Lake City* (9 Utah, 491; 35 Pac. 509) 3020
- Neagle, In re* (135 U. S. 1; 5 L. R. A. 78) 2258
- Neal v. Hopkins* (87 Md. 19; 39 Atl. 322) 1705
- *v. Marion* (126 N. Car. 412; 35 S. E. 812) 3002
- *v. Marion* (129 N. Car. 345; 40 S. E. 116) 2975, 2998, 3000, 3013
- *v. Pittsburg & C. R. R. Co* (2 Grant [Pa.] Cases, 137) 1648
- *v. Vansickle* (72 Neb. 105; 100 N. W. 200) 2530
- Neal Banking Co. v. Chastain* (121 Ga. 500; 49 S. E. 618) 1289, 1292, 1294
- Neale v. Allegheny Overseers* (5 Whart. [Pa.] 538) 680
- *v. Wood County* (43 W. Va. 90; 27 S. E. 370) 348, 569, 1508, 1513
- Neales v. State* (10 Mo. 498) 1120
- Nealis v. Hayward* (48 Ind. 19) 676, 1853
- Neall v. Hill* (16 Cal. 145; 76 Am. Dec. 508) 783
- Nebraska City v. Campbell* (2 Black [U. S.] 590) 2964, 2992, 3004
- *v. Nebraska Gas Co.* (9 Neb. 339; 2 N. W. 870) 1198, 1211
- *v. Lampkin* (6 Neb. 27) 1822, 2925, 2937
- *v. Rathbone* (20 Neb. 288) 2968
- Nebraska Tel. Co. v. Fremont* (72 Neb. 25; 99 N. W. 811) 2062
- *v. Lincoln* (82 Neb. 59; 117 N. W. 284; 28 L. R. A. n. s. 221) 2472, 2473, 2476
- *v. State* (55 Neb. 627; 76 N. W. 171) 2260
- *v. Western Ind. L. D. Tel. Co.* (68 Neb. 772; 95 N. W. 18) 1927
- *v. York Gas & Elect. L. Co.* (27 Neb. 284; 43 N. W. 126) 1986
- Neddo v. Ticonderoga* (28 N. Y. Supp. 887) 3002
- Neeley v. Mapleton* (139 Iowa, 582; 117 N. W. 981) 2821
- Neely v. Yorkville* (10 S. Car. 141) 444, 605, 608, 1155, 1177, 1396
- Neenan v. Donoghue* (50 Mo. 493) 1259
- Neenan v. Smith* (50 Mo. 525; s. c. 60 Mo. 292) 2527, 2563, 2585, 2595, 2632
- Negley v. Henderson* ([Ky.], 59 S. W. 19) 2435
- Negus, In re* (10 Wend. [N. Y.] 34) 2792
- Nehasane Park Assoc. v. Lloyd* (167 N. Y. 431; 60 N. E. 741, aff'g 45 N. Y. App. Div. 631, 61 N. Y. Supp. 1143) 2317, 2362, 2399, 2528
- Nehr v. State* (35 Neb. 638; 53 N. W. 589) 1100, 1101
- Nehrling v. Herald Co.* (112 Wis. 558; 88 N. W. 614) 883
- *v. State* (112 Wis. 637; 88 N. W. 610) 784, 811
- Neiffer v. Kentucky Bank* (1 Head [Tenn.] 162) 1171
- Neil v. Barron* (7 Ohio N. P. 84) 2880
- *v. Board of Trustees* (31 Ohio St. 15, 21) 242
- Neill v. Gates* (152 Mo. 585; 54 S. W. 460) 2632, 2633, 2634
- Neilson v. Lee* (60 Cal. 555) 2455
- *v. Newark* (49 N. J. L. 246; 8 Atl. 292) 601
- Neitzel v. Concordia* (14 Kan. 446) 979
- Nelden v. Clark* (20 Utah, 382; 59 Pac. 524; 77 Am. St. Rep. 917) 1170
- Nelson, In re* (1 Cow. [N. Y.] 417) 2652, 2657
- *v. Canisteo* (100 N. Y. 89; 2 N. E. 473) 2993, 2997
- *v. Garfield County* (6 Colo. App. 279; 40 Pac. 474) 2768
- *v. Georgetown* (190 Mass. 225; 76 N. E. 606) 1190
- *v. Godfrey* (12 Ill. 22) 1792, 1871
- *v. Harrison County* (126 Iowa, 436; 102 N. W. 197) 1148
- *v. Haywood County* (87 Tenn. 781; 11 S. W. 885; 4 L. R. A. 648) 1508
- *v. Homer* (48 La. An. 258; 19 So. 271) 449, 450
- *v. La Porte* (33 Ind. 258) 1916, 2401
- *v. Milford* (7 Pick. [Mass.] 18) 564, 565, 1239
- *v. Milligan* (151 Ill. 462; 38 N. E. 239) 1052
- *v. Narragansett E. L. Co.* (26 R. I. 258; 58 Atl. 802; 67 L. R. A. 116; 106 Am. St. Rep. 711) 3034
- *v. Nederland L. Ins. Co.* (110 Iowa, 600; 81 N. W. 807) 2353
- *v. New York* (63 N. Y. 535) 549, 1188
- *v. New York* (131 N. Y. 4;



## TABLE OF CASES CITED

[References are to pages]

- 29 N. E. 814; 5 N. Y. Supp. 688) 1159, 1160, 1297, 1316  
*Nelson v. Randolph* (222 Ill. 531; 78 N. E. 914) 1690, 1699, 1707, 1723  
 — *v. Saginaw* (106 Mich. 659; 64 N. W. 499) 2454, 2600  
 — *v. St. Martin's Parish* (111 U. S. 716) 193, 920  
 — *v. Sneed* (112 Tenn. 48; 83 S. W. 786) 718  
*Nemaha County v. Frank* (120 U. S. 41) 1349  
*Neola v. Reichart* (131 Iowa, 492; 109 N. W. 5) 972, 973  
*Neosho City Water Co. v. Neosho* (136 Mo. 498; 38 S. W. 89) 1194  
*Neosho County v. Stoddard* (13 Kan. 207) 2824  
*Nerlien v. Brooten* (94 Minn. 361; 102 N. W. 867) 2770  
*Nesbit v. Riverside Ind. Dist.* (144 U. S. 610, aff'g 25 Fed. Rep. 635) 346, 1397, 1421, 1445, 1455, 1458, 1474  
*Neuert v. Boston* (120 Mass. 338) 2846, 2847, 2849  
*Neuse River Nav. Co. v. Newberne* (6 Jones Law [N. C.] 204) 2646, 2720  
*Nevada v. Eddy* (123 Mo. 546; 27 S. W. 471) 2587  
 — *v. Hampton* (13 Nev. 441) 222  
 — *v. Hutchins* (59 Iowa, 506; 13 N. W. 634) 1040, 1111  
*Nevada County v. Williams* (72 Ark. 394; 81 S. W. 384) 1308  
*Nevada Nat. Bank v. Dodge* (119 Fed. Rep. 57) 2366  
*Nevil v. Clifford* (55 Wis. 161; 12 N. W. 419) 2768, 2771  
*Nevill v. Ross* (22 Upper Can. C. P. 487) 905  
*Neville v. Kelly* (12 C. B. N. s. 740) 552  
 — *v. Viner* (115 Ill. App. 364) 2667  
*Nevin v. Roach* (86 Ky. 492; 5 S. W. 546) 988, 2364, 2370, 2493, 2526  
*Nevins v. Peoria* (41 Ill. 502; 89 Am. Dec. 392) 2925, 2926, 2931, 3036, 3041, 3045, 3046, 3052  
*Nevitt, In re* (117 Fed. Rep. 448) 2695, 2707  
*New Albany v. Endres* (143 Ind. 192; 42 N. E. 683) 972, 1662  
 — *v. Lines* (21 Ind. App. 380; 51 N. E. 346) 3042  
 — *v. McCulloch* (127 Ind. 500; 26 N. E. 1074) 368  
 — *v. Meekin* (3 Ind. 481; 56 Am. Dec. 522) 2408, 2417  
 — *v. Ray* (3 Ind. App. 321; 29 N. E. 611) 3048  
*New Albany v. Stier* (34 Ind. App. 615; 72 N. E. 275) 1852  
 — *v. Sweeney* (13 Ind. 245) 1248, 1249, 1250  
*New Albany & S. R. Co. v. Connelly* (7 Ind. 32) 1659, 1662  
 — *v. O'Daily* (13 Ind. 353; s. c. 12 Ind. 551) 1796, 1979, 1991, 2000  
*New Albany Gaslight & Coke Co. v. Crumbo* (10 Ind. App. 360; 37 N. E. 1062) 874  
*New Bedford & F. St. Ry. Co. v. Acushnet St. Ry. Co.* (143 Mass. 200; 9 N. E. 536) 447  
*New Boston v. Dumbarton* (12 N. H. 409; 15 N. H. 201) 442  
*New Brighton v. Peirsol* (107 Pa. 280) 2924, 2948  
 — *v. United Presbyterian Church* (96 Pa. 331) 2924, 2948  
*New Brunswick v. Fitzgerald* (48 N. J. L. 457; 8 Atl. 729, aff'g 47 N. J. L. 479; 1 Atl. 496) 687, 793  
*New Brunswick Rubber Co. v. New Brunswick St. Com'rs* (38 N. J. L. 190; 20 Am. Rep. 380) 2506, 2537, 2571  
*New Buffalo v. Cambria Iron Co.* (105 U. S. 73) 1405, 1516  
*New Castle v. Central Dist & Ptg. Tel. Co.* (207 Pa. 371; 56 Atl. 931) 1923, 2065  
 — *v. Kurtz* (210 Pa. 183; 59 Atl. 989; 69 L. R. A. 488; 105 Am. St. Rep. 798) 2969, 2985  
 — *v. Lake Erie & W. R. Co.* (155 Ind. 18; 57 N. E. 516) 1858, 1888, 1932, 1947, 1975  
 — *v. Stone Church Graveyard* (172 Pa. 86; 33 Atl. 236) 2573  
*New Concord Board of Education v. Best* (52 Ohio St. 138; 39 N. E. 694) 907  
*New Decatur v. Berry* (90 Ala. 432; 7 So. 838; 24 Am. St. Rep. 827) 449  
 — *v. Nelson* (102 Ala. 556; 15 So. 275) 614  
*New England, &c. Co. v. Robinson* (25 Ind. 536) 524  
*New England, &c. Trust Co. v. James* (77 Mo. App. 616) 2632  
*New England Hospital v. Boston* (113 Mass. 518) 2446  
*New England Iron Co. v. Gilbert El. R. Co.* (91 N. Y. 153) 1278  
*New England Loan & Tr. Co. v. Young* (81 Iowa, 732; 39 N. W. 116; 46 N. W. 1103) 2485  
*New England Tel. & Tel. Co. v. Boston Terminal Co.* (182 Mass. 397; 65 N. E. 835) 1770, 1784, 1930, 2054, 2055



## TABLE OF CASES CITED

287

[References are to pages]

- New Gloucester School Fund Trustees *v.* Bradbury (11 Me. 118; 26 Am. Dec. 515) 235, 236
- New Hampton *v.* Conroy (56 Iowa, 498; 9 N. W. 417) 965, 1111, 1112
- New Haven *v.* City Bank (31 Conn. 106) 2445
- *v.* Eastern Pav. Brick Co. (78 Conn. 689; 63 Atl. 517) 1264
- *v.* Fair Haven & W. R. Co. (38 Conn. 422; 9 Am. Rep. 399) 2488, 2589, 2591, 2592, 2790
- *v.* National Steam Economizer Co. (79 Conn. 482; 65 Atl. 959) 1264
- *v.* New Haven Water Co. (44 Conn. 105) 996, 2462
- *v.* Sargent (38 Conn. 50; 9 Am. Rep. 360) 1816, 1817, 1818, 1819, 1826
- *v.* Whitney (36 Conn. 373) 1810
- New Haven & E. H. Toll Bridge Co. *v.* Betsworth (30 Conn. 380) 765
- New Haven, M. & W. R. Co. *v.* Chatham (42 Conn. 465) 585, 877, 880, 1439, 2655
- New Haven Water Co. *v.* Wallingford (72 Conn. 293; 44 Atl. 235) 1612
- New Holland *v.* Holland (99 Ill. App. 251) 623
- New Iberia *v.* Fontelieu (108 La. 460; 32 So. 369) 2601
- *v.* Moss Hotel Co. (112 La. 525; 36 So. 552) 910, 945
- *v.* Weeks (104 La. 489; 29 So. 252) 2398, 2399, 2451
- New Jersey *v.* Anderson (203 U. S. 483, rev'g 137 Fed. Rep. 858) 2312, 2480
- New Jersey & N. E. Tel. Co. *v.* Fire Com'rs (34 N. J. Eq. 117) 1180
- New Jersey Car Spring & Rubber Co. *v.* Jersey City (64 N. J. L. 544; 46 Atl. 649) 1187
- New Jersey Health Board *v.* Ihnken ([N. J. Eq.], 67 Atl. 28) 2203
- New Jersey R. & T. Co. *v.* Elizabeth (37 N. J. L. 330) 2590
- *v.* Newark (25 N. J. L. 315) 2445
- *v.* Newark (26 N. J. L. 519) 2444
- *v.* Newark (27 N. J. L. 185) 2572
- New Jersey S. R. Co. *v.* Long Branch (39 N. J. L. 28) 1614, 1858
- New Jersey Suburban Water Co. *v.* Harrison (72 N. J. L. 196; 62 Atl. 490) 2293
- New Kiowa *v.* Craven (46 Kan. 114; 26 Pac. 426) 2886, 2916
- New London *v.* Brainard (22 Conn. 552) 452, 2769, 2775
- New London *v.* Davis (73 N. H. 72; 59 Atl. 369) 1837
- *v.* Miller (60 Conn. 112; 22 Atl. 499) 2312, 2491, 2492
- *v.* Montville (1 Root [Conn.] 184) 621, 628
- New Memphis Gas & Light Co. *v.* Memphis (72 Fed. Rep. 952) 2234, 2248, 2257, 2259
- New Milford Water Co. *v.* Watson (75 Conn. 237; 52 Atl. 947; 53 Atl. 57) 2186
- New Orleans, Matter of (20 La. An. 497) 2379, 2503
- New Orleans Draining Co., Matter of (11 La. An. 338) 2379
- New Orleans *v.* Abbagnato (62 Fed. Rep. 240; 26 L. R. A. 329) 2850
- *v.* Anderson (9 La. An. 323) 963
- *v.* Becker (31 La. An. 644) 2765
- *v.* Boudro (14 La. An. 303) 964, 979, 980
- *v.* Brooks (36 La. An. 641) 867, 906
- *v.* Carondelet Canal & Nav. Co. (36 La. An. 396) 2444
- *v.* Citizens' Bank (167 U. S. 371) 2258
- *v.* Clark (95 U. S. 654) 180, 221, 222, 223, 224, 233, 1527, 1916, 2117, 2315
- *v.* Commercial Bank of New Orleans (10 La. An. 735) 2379, 2422
- *v.* Costello (14 La. An. 37) 953, 961, 1109, 1118
- *v.* Davidson (30 La. An. 541; 31 Am. Rep. 228) 2479
- *v.* Dubarry (33 La. An. 481; 39 Am. Rep. 273) 2379, 2380, 2381
- *v.* Elliott (10 La. An. 59) 2379, 2503
- *v.* Faber (105 La. 208; 29 So. 507; 83 Am. St. Rep. 232) 1072, 1076
- *v.* Fargot (116 La. 369; 40 So. 735) 1853
- *v.* Finnerty (27 La. An. 681; 21 Am. Rep. 569) 732
- *v.* Fire Com'rs (50 La. An. 1000; 23 So. 906) 686
- *v.* Graffina (52 La. An. 1082; 27 So. 590; 78 Am. St. Rep. 387) 1072
- *v.* Graihle (9 La. An. 561) 644, 2482, 2483
- *v.* Gravier (11 Mart. [La.] N. s. 662) 1784, 1792
- *v.* Great Southern Tel. & Tel. Co. (40 La. An. 41; 3 So. 533) 1927, 1985, 2074, 2141
- *v.* Guillotte (12 La. An. 818) 1073, 1233

[References are to pages]

- New Orleans v. Hill* (30 La. An. 554) 2479
- *v. Home Mut. Ins. Co.* (23 La. An. 61) 468, 1586
- *v. Hopkins* (13 La. 326) 196, 1762
- *v. Hop Lee* (104 La. 601; 29 So. 214) 1029, 2381
- *v. Hoyle* (23 La. An. 740) 144, 147
- *v. Kee* (107 La. 762; 31 So. 1014) 1029
- *v. Kerr* (50 La. An. 413; 69 Am. St. Rep. 442) 2880
- *v. Kientz* (52 La. An. 950; 27 So. 344) 986, 1072
- *v. Koen* (38 La. An. 328) 996
- *v. Lambert* (14 La. An. 247) 1039, 1055
- *v. Leverich* (13 La. 332) 1762
- *v. Louisiana Const. Co.* (140 U. S. 654) 509, 1587
- *v. Maggioli* (4 La. An. 73) 1892
- *v. Magnon* (4 Martin [La.] 1) 1892, 1897
- *v. Mechanics' & T. Bank* (15 La. An. 107) 2422
- *v. Michoud* (10 La. An. 763) 2425
- *v. Miller* (7 La. An. 651) 968, 971, 1110
- *v. Morgan* (7 Martin n. s. [La.] 1) 646, 901, 1135
- *v. Morris* (3 Woods C. C. 103) 1586, 1588
- *v. Morris* (105 U. S. 600) 1584, 1586, 2118, 2130
- *v. Mule* (38 La. An. 826) 995
- *v. New Orleans & S. F. R. Co.* (112 La. 1011; 36 So. 837) 485
- *v. New Orleans M. & C. R. Co.* (27 La. An. 414) 477
- *v. New Orleans R. Co.* (40 La. An. 587; 4 So. 512) 2420
- *v. New Orleans R. Co.* (42 La. An. 4; 7 So. 59) 2420, 2476
- *v. New Orleans Waterworks Co.* (36 La. An. 432) 2175
- *v. O'Neil* (43 La. An. 1182; 10 So. 245) 2380
- *v. Peyroux* (6 Martin n. s. [La.] 155) 1076
- *v. Philippi* (9 La. An. 44) 922, 926
- *v. Pontchartrain R. Co.* (41 La. An. 519; 7 So. 83) 2380
- *v. Poutz* (14 La. An. 853) 232, 2441
- *v. Quinlan* (173 U. S. 191) 1350
- *v. St. Anna's Asylum* (31 La. An. 292) 2446
- *v. St. Louis Church* (11 La. An. 244) 871, 920, 1032, 1033, 1034, 1233
- *v. Sam Kee* (107 La. 762; 31 So. 1014) 2381
- New Orleans v. Southern Bank* (11 La. An. 41) 2422
- *v. Stafford* (27 La. An. 417; 21 Am. Rep. 563) 1072
- *v. Steinhardt* (52 La. An. 1043; 27 So. 586) 1820
- *v. Stempel* (175 U. S. 309) 2415
- *v. Turpin* (13 La. An. 56) 995
- *v. United States* (10 Pet. [U. S.] 662) 474, 511, 515, 1686, 1694, 1700, 1713, 1715, 1725, 1752, 1758, 1760, 1761, 1762, 1887, 1892
- *v. Warner* (175 U. S. 120) 1157, 1306, 1313, 1321, 1391, 2432, 2578
- *v. Wilmot* (31 La. An. 65) 185, 475, 504
- New Orleans & C. R. Co. v. Municipality* (1 La. An. 128; 9 La. An. 284) 1933, 1970
- *v. Municipality* (7 La. An. 148) 468
- *v. New Orleans* (34 La. An. 429) 1971
- New Orleans & N. E. R. Co. v. Meridian Waterworks Co.* (72 Fed. Rep. 227) 2306
- New Orleans, C. & L. R. Co. v. Louisiana* (157 U. S. 219) 2082
- *v. New Orleans* (143 U. S. 192, aff'g 40 La. An. 587; 4 So. 512) 2419, 2443, 2476
- New Orleans Draining Co, In re* (11 La. An. 338) 1637, 1667, 2503, 2575
- New Orleans El. R. Co. v. New Orleans* (39 La. An. 127; 1 So. 434) 911, 916
- New Orleans Gas Co. v. Louisiana Light Co.* (115 U. S. 650) 192, 554, 556, 1907, 1916, 1917, 1920, 1984, 2060, 2117, 2136, 2137, 2149, 2157, 2158
- New Orleans Gas Light & B. Co. v. Paulding* (12 Rob. [La.] 378) 2220
- New Orleans Gas Light Co. v. New Orleans* (42 La. An. 188; 7 So. 559) 423, 2152
- *v. New Orleans Drainage Commission* (197 U. S. 453, aff'g 111 La. 838; 35 So. 929) 2061, 2066
- New Orleans, J. & Gt. N. R. Co. v. Moye* (39 Miss. 374) 1682
- New Orleans, M. & C. R. Co. v. Frederic* (46 Miss. 1, 9) 493
- *v. New Orleans* (26 La. An. 478) 144, 183, 196, 1760, 2010
- New Orleans M. & T. R. Co. v. Ellerman* (105 U. S. 166) 147, 185, 474, 475, 476, 477, 504, 506, 510, 513
- New Orleans Port Com'rs v. New Orleans & S. F. R. Co.* (112 La. 1011; 36 So. 837) 1769

[References are to pages]

- New Orleans, S. F. & L. R. Co. v. Delamore* (114 U. S. 501) 191, 1986  
*New Orleans Water Co. v. Louisiana Sugar Refinery Co.* (35 La. An. 1111) 1911  
 — *v. New Orleans* (164 U. S. 471) 2754  
*New Orleans Waterworks Co. v. Louisiana* (185 U. S. 336) 2176  
 — *v. Louisiana Sugar Ref. Co.* (125 U. S. 18) 918, 2149  
 — *v. New Orleans* (164 U. S. 471) 901, 902, 916, 918, 2754  
 — *v. Rivers* (115 U. S. 674) 192, 465, 1907, 1911, 1916, 1920, 1984, 2136, 2137, 2149, 2158, 2241, 2258  
*New Providence v. Halsey* (117 U. S. 336) 1325, 1350, 1430, 2810  
 — *v. McEachron* (33 N. J. Law, 339, aff'd 35 N. J. Law, 528) 763  
*New River Co. v. Johnson* (2 E. & E. 435) 1611  
*New Rochelle v. Lang* (75 Hun [N. Y.] 608; 27 N. Y. Supp. 600) 990  
*New Salem v. Eagle Mill Co.* (138 Mass. 8) 1035, 1898  
*New Shoreham v. Ball* (14 R. I. 566) 1561  
*New Whatcom v. Bellingham Bay & B. C. R. Co.* (16 Wash. 137; 47 Pac. 237) 2587  
 — *v. Bellingham Bay Imp. Co.* (16 Wash. 131; 47 Pac. 236) 2538, 2609  
 — *v. Roeder* (22 Wash. 570; 61 Pac. 767) 2484  
*New Windsor v. Stockdale* (95 Md. 196; 52 Atl. 596) 1038  
*New York, In re* (11 Johns. (N. Y.) 77) 1364  
 — (99 N. Y. 569; 2 N. E. 642) 169, 173, 521, 1566, 1567, 1626, 1636, 1650, 1661, 1746, 2101, 2102  
*New York, Matter of* (135 N. Y. 253; 31 N. E. 1043) 507, 509  
 — (166 N. Y. 495; 60 N. E. 180, aff'g 56 N. Y. App. Div. 122; 67 N. Y. Supp. 603) 1837  
 — (168 N. Y. 134; 61 N. E. 158, rev'g 60 N. Y. App. Div. 122; 69 N. Y. Supp. 994) 475, 500, 1608  
 — (168 N. Y. 254; 61 N. E. 249, aff'g 62 N. Y. App. Div. 271; 70 N. Y. Supp. 1127) 1676  
 — (185 N. Y. 607; 78 N. E. 531, aff'g 113 N. Y. App. Div. 903; s. c. 95 N. Y. App. Div. 501; 88 N. Y. Supp. 906; 98 N. Y. Supp. 1113) 480, 510  
 — (190 N. Y. 350; 83 N. E. 299) 1619, 1642, 1680  
*New York, Matter of* (192 N. Y. 459; 85 N. E. 755, modifying 120 N. Y. App. Div. 201; 105 N. Y. Supp. 315) 2573  
 — (24 N. Y. App. Div. 7; 49 N. Y. Supp. 119) 1629, 1647  
 — (28 N. Y. App. Div. 143; 52 N. Y. Supp. 588, aff'd 157 N. Y. 409; 52 N. E. 1126) 1839, 1846  
 — (34 N. Y. App. Div. 468; 54 N. Y. Supp. 295) 1651  
 — (39 N. Y. App. Div. 589; 57 N. Y. Supp. 657) 1675  
 — (40 N. Y. App. Div. 281; 58 N. Y. Supp. 58) 1677  
 — (40 N. Y. App. Div. 452; 58 N. Y. Supp. 100) 1666  
 — (59 N. Y. App. Div. 603; 69 N. Y. Supp. 742, aff'd 167 N. Y. 627; 60 N. E. 1116) 508  
*New York, In re* (65 N. Y. App. Div. 1; 72 N. Y. Supp. 459) 2923  
*New York, Matter of* (74 N. Y. App. Div. 197; 77 N. Y. Supp. 737) 1621  
 — (74 N. Y. App. Div. 343; 77 N. Y. Supp. 566) 1676  
 — (83 N. Y. App. Div. 513; 82 N. Y. Supp. 417) 2454  
*New York, In re* (84 N. Y. App. Div. 312; 82 N. Y. Supp. 575) 2923  
*New York, Matter of* (113 N. Y. App. Div. 84; 98 N. Y. Supp. 1063) 480  
 — (114 N. Y. App. Div. 519; 100 N. Y. Supp. 140) 2399  
 — (116 N. Y. App. Div. 801; 102 N. Y. Supp. 116) 1641  
 — (122 N. Y. App. Div. 741; 107 N. Y. Supp. 484) 1066  
 — (127 N. Y. App. Div. 672; 111 N. Y. Supp. 916) 2590  
 — [Baychester Ave.] (120 N. Y. App. Div. 393; 105 N. Y. Supp. 241) 1629  
 — [Briggs Ave.] (118 N. Y. App. Div. 224; 102 N. Y. Supp. 1102) 1629  
 — [Delancey St.] (120 N. Y. App. Div. 700; 105 N. Y. Supp. 779) 1676  
 — [Foster Ave.] (89 N. Y. App. Div. 490; 85 N. Y. Supp. 858) 1806  
*New York City, Matter of* [Morris Ave.] (118 N. Y. App. Div. 117; 103 N. Y. Supp. 180) 2573  
 — [Trinity Ave.] (81 N. Y. App. Div. 215; 80 N. Y. Supp. 732) 1806  
 — [Van Cortlandt Ave.] (186 N. Y. 237; 78 N. E. 952) 1619  
*New York v. Bailey* (2 Denio [N. Y.] 433) 1626, 1633, 2880, 2908, 2911, 3038  
 — *v. Baird* (176 N. Y. 269; 68

[References are to pages]

- N. E. 364, rev'g 74 App. Div. 238; 77 N. Y. Supp. 446) 1273  
 New York v. Brady (115 N. Y. 599; 22 N. E. 237) 1156, 1162  
 — v. Broadway & S. A. R. Co. (17 Hun [N. Y.] 242) 2419  
 — v. Bryan (130 N. Y. App. Div. 658; 115 N. Y. Supp. 551) 2051  
 — v. Carleton (113 N. Y. 284; 21 N. E. 55) 1561  
 — v. Cashman (10 Johns. [N. Y.] 96) 2572  
 — v. Colgate (12 N. Y. 140) 2488  
 — v. De Peyster (120 N. Y. App. Div. 762; 105 N. Y. Supp. 612, aff'd 190 N. Y. 547; 83 N. E. 1123) 1874, 1897  
 — v. Dry Dock, E. B. & B. R. Co. (133 N. Y. 104; 30 N. E. 563) 928, 929, 1093  
 — v. Exchange F. Ins. Co. (9 Bosw. [N. Y.] 424) 1245  
 — v. Flagg (6 Abb. Pr. [N. Y.] 296) 844  
 — v. Furze (3 Hill [N. Y.] 612, app'd 16 N. Y. 162; 9 N. Y. 168, 458, 461) 466, 2662, 2839, 2987, 2993, 3047, 3055  
 — v. Hamilton F. Ins. Co. (10 Bosw. [N. Y.] 537) 1245  
 — v. Harlem Bridge, M. & F. R. Co. (186 N. Y. 304; 78 N. E. 1072, aff'g 100 N. Y. App. Div. 257; 91 N. Y. Supp. 557) 2078, 2079, 2080  
 — v. Hart (95 N. Y. 443) 475, 487, 490, 497, 1701  
 — v. Hewitt (91 N. Y. App. Div. 445; 86 N. Y. Supp. 832) 1082  
 — v. Hexamer (59 N. Y. App. Div. 4; 69 N. Y. Supp. 198) 996, 1854  
 — v. Hyatt (3 E. D. Smith [N. Y.] 156) 945, 968, 1081  
 — v. Interborough R. T. Co. (125 N. Y. App. Div. 437; 109 N. Y. Supp. 885, rev'g 55 N. Y. Misc. 138; 106 N. Y. Supp. 296) 2128  
 — v. Johns-Manville Co. (89 N. Y. App. Div. 449; 85 N. Y. Supp. 757) 1053  
 — v. Kelly (98 N. Y. 467) 681  
 — v. Knickerbocker Trust Co. (52 N. Y. Misc. 222; 102 N. Y. Supp. 900; s. c. 104 N. Y. App. Div. 223; 93 N. Y. Supp. 937; 121 N. Y. App. Div. 740; 106 N. Y. Supp. 506) 1881  
 — v. Lord (18 Wend. [N. Y.] 126, aff'g s. c. 17 Wend. [N. Y.] 285) 2846, 2848, 2849  
 — v. Mabie (13 N. Y. 151) 480  
 New York v. Manhattan R. Co. (143 N. Y. 1; 37 N. E. 494) 1957  
 — v. Manhattan R. Co. (192 N. Y. 90; 84 N. E. 745, aff'g 119 N. Y. App. Div. 240; 104 N. Y. Supp. 609) 1957  
 — v. Metropolitan St. R. Co. (90 N. Y. App. Div. 66; 85 N. Y. Supp. 693, aff'd 182 N. Y. 536; 75 N. E. 1128) 1853  
 — v. New Jersey S. N. Co. (106 N. Y. 28; 12 N. E. 435) 517  
 — v. Nichols (4 Hill [N. Y.] 209) 926, 945, 1081  
 — v. Ordrenan (12 Johns. [N. Y.] 122) 953, 956, 957  
 — v. Pentz (24 Wend. [N. Y.] 668) 2848, 2849  
 — v. Pine (185 U. S. 93) 2105  
 — v. Reesing (38 N. Y. Misc. 129; 77 N. Y. Supp. 82) 1856  
 — v. Rice (56 N. Y. Misc. 360; 107 N. Y. Supp. 641) 1881  
 — v. Roberts (171 U. S. 658) 2353, 2354, 2355  
 — v. Sands (105 N. Y. 210; 11 N. E. 820) 1399, 1400  
 — v. Scott (1 Caines [N. Y.] 543) 513  
 — v. Second Ave. R. Co. (32 N. Y. 261) 464, 952, 996, 997, 999, 2051, 2462  
 — v. Sheffield (4 Wall. [U. S.] 189) 2952, 2992, 3010, 3013, 3020, 3021  
 — v. Slack (3 Wheel. Cr. Cas. 237) 1032  
 — v. Sonneborn (113 N. Y. 423; 21 N. E. 121) 1591, 1594  
 — v. Squire (145 U. S. 175, aff'g 107 N. Y. 593; 14 N. E. 820) 2060, 2069, 2070  
 — v. Starin (106 N. Y. 1; 12 N. E. 631) 517  
 — v. Stuyvesant (17 N. Y. 34; 11 Paige, 414) 1722, 1751  
 — v. Tenth Nat. Bank (111 N. Y. 446; 18 N. E. 618) 225  
 — v. Third Ave. R. Co. (33 N. Y. 42) 952, 1980  
 — v. Tucker (91 N. Y. App. Div. 214; 86 N. Y. Supp. 509) 2794  
 — v. Twenty-third St. R. Co. (113 N. Y. 311; 21 N. E. 60) 1984  
 — v. United States Trust Co. (116 N. Y. App. Div. 349; 101 N. Y. Supp. 574) 1878  
 — v. Williams (15 N. Y. 502) 1109  
 — v. Wineburgh Advertising Co. (122 N. Y. App. Div. 748; 107 N. Y. Supp. 478) 990, 1066, 1067  
 — v. Wylie (43 Hun [N. Y.] 547,

[References are to pages]

- aff'd 122 N. Y. 663; 26 N. E. 754) 1594  
 New York & Brooklyn Bridge, Matter of (72 N. Y. 527) 139  
 New York & B. Lumber Co. v. Brooklyn (71 N. Y. 580) 2873, 2881  
 New York & G. L. R. Co. v. Kearney (55 N. J. L. 463; 26 Atl. 800) 2506  
 New York & H. R. Co. v. Morrisania (7 Hun [N. Y.] 652) 2590  
 — v. New York (1 Hilton [N. Y.] 562) 458, 464, 1972, 1979  
 New York & L. B. R. Co. v. Drummond (46 N. J. L. 644) 1613  
 — v. South Amboy (57 N. J. L. 252; 30 Atl. 628) 1716, 1739, 1794  
 New York & Long Island Bridge Co., Matter of (148 N. Y. 540; 42 N. E. 1088) 302  
 New York & N. E. R. Co. v. Bristol (151 U. S. 556) 1616  
 — v. Waterbury (35 Conn. 19) 834, 910, 911  
 — v. Waterbury (60 Conn. 1; 22 Atl. 439) 1616  
 New York & N. E. R. Co.'s Appeal (62 Conn. 527; 26 Atl. 122) 1616  
 New York & N. H. R. Co. v. New Haven (42 Conn. 279; 19 Am. Rep. 534) 2571, 2574, 2589  
 New York & Q. Elect. L. & P. Co. v. Long Island Mach. & Mar. Const. Co. (123 N. Y. App. Div. 552; 108 N. Y. Supp. 176) 2217  
 New York & Rosendale Cement Co. v. Davis (173 N. Y. 235; 66 N. E. 9, aff'g 62 N. Y. App. Div. 577; 71 N. Y. Supp. 185) 536, 2778  
 New York Bay R. Co. v. Newark (77 N. J. L. 270; 72 Atl. 455) 2590  
 New York Cable Co. v. New York (104 N. Y. 1; 10 N. E. 332) 1771, 1786, 1796, 1943, 1991  
 New York Cable R. Co., *In re* (109 N. Y. 32; 15 N. E. 882) 2033  
 N. Y. Central & H. R. R. Co., *In re* (15 Hun [N. Y.] 63) 2046  
 — v. Maine (71 Hun [N. Y.] 417; 24 N. Y. Supp. 962) 2778  
 — v. Metropolitan Gasl. Co. (63 N. Y. 326) 1611, 1612, 1919  
 — v. Miller (202 U. S. 584, aff'g 177 N. Y. 584; 69 N. E. 1129; 89 N. Y. App. Div. 127; 84 N. Y. Supp. 1088; s. c. 173 N. Y. 255; 65 N. E. 1102; 75 N. Y. App. Div. 169; 77 N. Y. Supp. 401) 2410, 2411  
 N. Y. Central & H. R. R. Co. v. Rochester (127 N. Y. 591; 28 N. E. 416) 3042  
 — v. Rochester (129 N. Y. App. Div. 805; 114 N. Y. Supp. 779) 2370, 2528  
 New York Central R. Co. v. Marvin (11 N. Y. 276) 1136  
 New York Conference v. Clarkson (4 Halst. Ch. [N. J.] 541) 608  
 New York District R. Co., *Re* (107 N. Y. 42; 14 N. E. 187) 1771, 1773, 1792, 1940, 1942, 2012  
 New York Elev. R. Co., *In re* (35 Hun [N. Y.] 414) 2034  
 — (36 Hun [N. Y.] 427) 2046  
 — (41 Hun [N. Y.] 502) 2033  
 — (70 N. Y. 327; s. c. 3 Abb. N. C. 401, aff'g 7 Hun [N. Y.] 239) 257, 302, 1938, 1978, 2033, 2034  
 New York Health Dept. v. Trinity Church (145 N. Y. 32; 39 N. E. 833) 1047, 1069, 1070, 1072  
 New York Institute v. How (10 N. Y. 84) 610  
 New York, L. & W. R. Co., *In re* (29 Hun [N. Y.] 1) 2033, 2046  
 — (99 N. Y. 12; 1 N. E. 27) 2033  
 — (99 N. Y. 388; 2 N. E. 35) 1611  
 New York, L. E. & W. R. Co. v. Dunkirk (65 Hun [N. Y.] 494; 20 N. Y. Supp. 596, aff'd 143 N. Y. 659; 39 N. E. 494) 2593  
 — v. Pennsylvania (158 U. S. 431) 2333, 2340, 2341  
 — v. Yard (43 N. J. L. 121; s. c. 43 N. J. L. 632) 493, 1702  
 New York L. Ins. Co. v. Cravens (178 U. S. 389, aff'g 148 Mo. 583; 50 S. W. 519) 2353  
 — v. Cuyahoga County (106 Fed. Rep. 123) 1580, 1581, 2376  
 — v. Prest (71 Fed. Rep. 815) 2584  
 New York Mail & N. T. Co. v. Shea (30 N. Y. App. Div. 266; 51 N. Y. Supp. 563) 1582, 1583, 1595  
 New York Nat. Exchange Bank v. Hartford P. & F. R. Co. (8 R. I. 375) 1398  
 — v. Metrop. Elev. Ry. Co. (53 Super. Ct. 511, aff'd 108 N. Y. 660; 15 N. E. 445) 2046, 2047  
 New York, N. H. & H. R. Co., Appeal of (80 Conn. 623; 70 Atl. 26) 1928, 2070  
 New York, N. H. & H. R. Co. v. Bridgeport Traction Co. (65 Conn. 410; 32 Atl. 953; 29 L. R. A. 367) 1983  
 — v. Fairhaven & W. R. Co.



[References are to pages]

- (70 Conn. 610; 40 Atl. 607; 41 Atl. 169) 1983
- New York, N. H. & H. R. Co. v. Long (72 Conn. 10; 43 Atl. 559) 483
- v. New Britain (49 Conn. 40) 2589
- v. New Haven (46 Conn. 257) 1728, 1734
- v. New Rochelle (29 N. Y. Misc. 195; 60 N. Y. Supp. 904) 1804
- New York Prot. Epis. Pub. School, *In re* (47 N. Y. 556) 908, 2631
- , Matter of (75 N. Y. 324) 2447
- v. Davis (31 N. Y. 574) 2316
- New York Security & Trust Co. v. Tacoma (21 Wash. 303; 57 Pac. 810) 1291, 1303
- v. Tacoma (30 Wash. 661; 71 Pac. 194) 1307
- New York, S. & W. R. Co. v. Paterson (61 N. J. L. 408; 39 Atl. 680) 1614
- New York Steam Co. v. Foundation Co. (195 N. Y. 43; 21 L. R. A. n. s. 470; 87 N. E. 765, rev'g 123 N. Y. App. Div. 254; 108 N. Y. Supp. 84) 1824, 1873, 1988, 2934
- New York, W. S. & B. R. Co. v. Gennet (37 Hun [N. Y.] 317) 1675
- v. Sutherland (35 Hun [N. Y.] 260) 2033, 2046
- Newark v. Belleville (61 N. J. L. 455; 39 Atl. 658) 2433
- v. Bonnell (57 N. J. L. 424; 31 Atl. 408; 51 Am. St. Rep. 609) 1206, 1208
- v. Clinton (49 N. J. L. 370; 8 Atl. 296) 2432, 2434
- v. Delaware, L. & W. R. Co. (42 N. J. Eq. 196; 7 Atl. 123) 1837
- v. Elliott (5 Ohio St. 113) 1583
- v. Funk (15 Ohio St. 462) 472, 743
- v. Lyon (53 N. J. Law, 632; 23 Atl. 274, rev'g 53 N. J. L. 92; 20 Atl. 757) 805
- v. McDowell (16 Ohio Cir. Ct. R. 556) 3000, 3014, 3019
- v. Murphy (40 N. J. L. 145) 982
- v. New Jersey Asphalt Co. (68 N. J. L. 458; 53 Atl. 294) 1264
- v. State (34 N. J. L. 523) 2496
- v. Stockton (44 N. J. Eq. 179; 14 Atl. 630, rev'g s. c. 42 N. J. Eq. 531; 9 Atl. 203) 1756, 1760, 1837
- v. Watson (56 N. J. L. 667; 29 Atl. 487; 24 L. R. A. 843) 197, 1759, 1763
- Newark & N. Y. R. Co. v. Newark (23 N. J. Eq. 515) 1972
- Newark Bank v. Assessors (30 N. J. L. 22) 440
- Newark City Bank v. Assessor (30 N. J. L. 13) 2321, 2438
- Newark Pass. R. Co. v. Block (55 N. J. L. 605; 27 Atl. 1067; 22 L. R. A. 374) 2007
- Newbern v. McCann (105 Tenn. 159; 58 S. W. 114) 1017, 1018
- Newberry v. New York (31 N. Y. Sup'r Ct. 369) 2850
- Newbery v. Fox (37 Minn. 141; 33 N. W. 333; 5 Am. St. Rep. 830) 1192
- Newbold v. Glenn (67 Md. 489; 10 Atl. 242) 1563, 1590
- Newburyport Water Co. v. Newburyport (193 U. S. 561, aff'g 103 Fed. Rep. 584) 2160, 2184, 2185
- v. Newburyport (168 Mass. 541; 47 N. E. 533) 2184, 2198, 2199
- Newby v. Platte County (25 Mo. 258) 1682
- Newcastle-on-Tyne v. Attorney General (12 Clark & Fin. 402) 1031, 1570
- Newcomb v. Boston Prot. Dept. (146 Mass. 596; 16 N. E. 555; 4 Am. St. Rep. 354) 1853
- v. Davenport (86 Iowa, 291; 53 N. W. 232) 2831
- v. East Baton Rouge Police Jury (4 Rob. [La.] 233) 1248
- v. Norfolk W. St. R. Co. (179 Mass. 449; 61 N. E. 42) 1093, 1957
- Newell, *In re* (2 Cal. App. 767; 84 Pac. 226) 1104, 1106
- v. Hancock (67 N. H. 244; 35 Atl. 253) 1569
- v. Minneapolis, L. & M. R. Co. (35 Minn. 112; 27 N. W. 839; 59 Am. Rep. 303) 1975, 1977, 1978, 2002, 2003, 2008
- v. People (7 N. Y. 9) 547
- Newlin v. Davis (77 Pa. St. 317) 2965, 2994
- Newling v. Francis (3 T. R. 189) 635
- Newman v. Ashe (9 Baxt. [Tenn.] 380) 521
- v. Chicago (153 Ill. 469; 38 N. E. 1053) 2548
- v. Emporia (32 Kan. 456; 4 Pac. 815) 897, 2452
- v. Emporia (41 Kan. 583; 21 Pac. 593) 2567, 2568, 2636, 2637
- v. Metropolitan El. R. Co. (118 N. Y. 618; 23 N. E. 901) 1680, 2043, 2946



## TABLE OF CASES CITED

293

[References are to pages]

- Newman v. Scott County* (1 Heisk. [Tenn.] 787) 2675  
 — *v. Scott County* (5 Sneed [Tenn.] 695) 2674  
 — *v. Sylvester* (42 Ind. 106) 608, 777, 1186  
*Newmeyer v. Missouri & Miss. R. Co.* (52 Mo. 81; 14 Am. Rep. 394) 2770, 2771, 2791  
*Newport v. Batesville &c. R. Co.* (58 Ark. 270; 24 S. W. 427) 450, 586, 1192  
 — *v. Berry* (80 Ky. 354) 2659  
 — *v. Commonwealth* (106 Ky. 434; 50 S. W. 845; 51 S. W. 433; 45 L. R. A. 518) 2435  
 — *v. Horton* (22 R. I. 196; 47 Atl. 312; 50 L. R. A. 330) 162, 176  
 — *v. Miller* (93 Ky. 22; 18 S. W. 835) 3020  
 — *v. Newport & C. Bridge Co.* (90 Ky. 193; 13 S. W. 720) 991  
 — *v. Newport Light Co.* (84 Ky. 167) 455, 1915, 1917, 1920, 1921, 2130, 2159, 2163  
 — *v. Newport Light Co.* (89 Ky. 454; 12 S. W. 1040) 1917, 2142  
 — *v. Newport Light Co.* ([Ky.], 21 S. W. 645) 2298  
 — *v. Newport Light Co.* ([Ky.], 30 S. W. 606) 2299  
 — *v. South Covington & C. St. R. Co.* (89 Ky. 29; 11 S. W. 954) 1957  
 — *v. Taylor's Ex.* (16 B. Mon. [Ky.] 699) 511, 513, 1700, 1702, 1716, 1722, 1755, 1756, 1757  
 — *v. Temescal Water Co.* (149 Cal. 531; 87 Pac. 372; 6 L. R. A. n. s. 1098) 2308  
*Newport & Cinc. Br. Co. v. Foote* (9 Bush [Ky.] 264) 2929  
*Newport Charter, In re* (14 R. I. 655) 175, 635  
*Newport News v. Potter* (122 Fed. Rep. 321) 1200, 1203, 1237  
 — *v. Scott's Admr.* (103 Va. 794; 50 S. E. 266) 2975, 3013  
*Newport News & O. P. R. & E. Co. v. Hampton Roads R. & E. Co.* (102 Va. 795; 47 S. E. 839) 1961  
 — *v. Lake* (101 Va. 334; 43 S. E. 566) 1704  
 — *v. Newport News* (100 Va. 157; 40 S. E. 645) 2420, 2471, 2472, 2475, 2476  
*Newport Trustees, In re* (16 Sim. 346) 120  
*Newton v. Askew* (53 Ark. 476; 14 S. W. 670) 1308  
 — *v. Atchison* (31 Kan. 151; 1 Pac. 288; 47 Am. Rep. 486) 135, 995, 2378, 2463, 2468, 2470, 2473  
*Newton v. Belger* (143 Mass. 598; 10 N. E. 464) 926, 936  
 — *v. Dunkirk* (121 N. Y. App. Div. 296; 106 N. Y. Supp. 125) 1706, 1707, 1716, 1730, 1746  
 — *v. Dunkirk* (106 N. Y. Supp. 125) 1724  
 — *v. Joyce* (166 Mass. 83; 44 N. E. 116; 55 Am. St. Rep. 385) 1050  
 — *v. Keech* (9 Hun [N. Y.] 355) 2780  
 — *v. Leal* ([Tex. Civ. App.], 56 S. W. 209) 2658  
 — *v. McKay* (130 Iowa, 596; 102 N. W. 827) 2360  
 — *v. Mahoning County Com'rs* (100 U. S. 548) 464  
 — *v. Manufacturers' R. Co.* (115 Fed. Rep. 781) 1636  
 — *v. Newton* (188 Mass. 226; 74 N. E. 346) 1621  
 — *v. Toledo* (8 Ohio Dec. 607) 1202  
 — *v. Worcester* (169 Mass. 516; 48 N. E. 274) 2966  
*Newton County v. State* (161 Ind. 616; 69 N. E. 442) 326  
*Newville Road* (8 Watts [Pa.] 172) 1799  
*Ney v. Troy* (3 N. Y. Supp. 679; s. c. 50 Hun, 604) 3003  
 — *v. Whitley* (26 R. I. 464; 59 Atl. 400) 2740  
*Niagara Falls v. New York C. & H. R. Co.* (41 N. Y. App. Div. 93; 58 N. Y. Supp. 619) 1743  
*Niagara Falls & Whirlpool R. Co., Matter of* (108 N. Y. 375; 15 N. E. 429) 2103  
*Niagara Falls Susp. Br. Co. v. Bachman* (66 N. Y. 261) 1697, 1703, 1706, 1708, 1718, 1724, 1740  
*Niagara, L. & O. Power Co., Matter of* (111 N. Y. App. Div. 686; 97 N. Y. Supp. 853) 2125  
*Niblett v. Nashville* (12 Heisk. [Tenn.] 684; 27 Am. Rep. 755) 1038, 2965, 3013  
*Nichol v. Huntington Water Co.* (53 W. Va. 348; 44 S. E. 290) 2304, 2307  
 — *v. Nashville* (9 Humph. [Tenn.] 252) 144, 183, 453, 569, 570, 580  
*Nicholasville v. Rarick* (102 Ky. 352; 43 S. W. 450) 2427, 2429  
*Nicholasville Water Co. v. Nicholasville* ([Ky.], 36 S. W. 549; 38 S. W. 430) 1197, 2146, 2294, 2300  
*Nicholes v. People* (171 Ill. 376; 49 N. E. 574) 2453  
*Nicholls v. Great Western Ry. Co.* (27 Up. Can. Q. B. 382) 3018  
*Nichols, In re* (48 Fed. Rep. 164) 2326

[References are to pages]

- Nichols, *In re* (6 Abb. New Cas. 474; s. c. 57 How. [N. Y.] Pr. 95) 809
- *v. Ann Arbor & Y. St. R. Co.* (87 Mich. 361; 49 N. W. 538; 16 L. R. A. 371) 2007, 2008, 2009
- *v. Athens* (66 Me. 402) 2978, 2990
- *v. Boston* (98 Mass. 39; 93 Am. Dec. 132) 669, 670, 890
- *v. Bridgeport* (23 Conn. 189; 60 Am. Dec. 636) 883, 1646, 1648, 1650, 1665, 2493, 2495
- *v. Crabbe* (4 Stew. & P. [Ala.] 154) 2660
- *v. McLean* (63 How. Pr. [N. Y.] 448) 844
- *v. MacLean* (101 N. Y. 526; 5 N. E. 347; 54 Am. Rep. 730) 728, 748
- *v. Minneapolis* (30 Minn. 545; 16 N. W. 410) 2814, 2818
- *v. Minneapolis* (33 Minn. 430; 23 N. W. 868; 53 Am. Rep. 56) 3003
- *v. New England Furn. Co.* (100 Mich. 230; 59 N. W. 155) 1730
- *v. Richmond* (162 Mass. 170; 38 N. E. 501) 1843
- *v. Sadorus* (120 Ill. App. 70) 1813
- *v. Salem* (49 Oreg. 298; 89 Pac. 804) 981, 1100
- *v. Walter* (37 Minn. 264; 33 N. W. 800) 257, 275, 277, 298, 325
- Nicholson *v. Detroit* (129 Mich. 246; 88 N. W. 695; 56 L. R. A. 601) 2896, 2899
- *v. New York & N. H. R. Co.* (22 Conn. 74; 56 Am. Dec. 390) 2082
- Nickell *v. Waukesha County* (62 Wis. 469; 22 N. W. 737) 977
- Nickerson *v. Bridgeport Hydraulic Co.* (46 Conn. 24; 33 Am. Rep. 1) 2304
- *v. Dyer* (105 Mass. 320) 777
- Nicodemo *v. Southborough* (173 Mass. 455; 53 N. E. 887) 1726
- Nicolai *v. Davis* (91 Wis. 370; 64 N. W. 1001) 1897
- Nicolay *v. St. Clair County* (3 Dillon C. C. R. 163) 1420, 1435, 1517
- Nicoll *v. Gardner* (13 Wend. [N. Y.] 289) 479
- *v. New York & E. R. Co.* (12 N. Y. 121) 1557, 1569, 2051
- *v. New York & N. J. Tel. Co.* (62 N. J. L. 733; 42 Atl. 583; 72 Am. St. Rep. 666, aff'g 62 N. J. L. 156; 40 Atl. 627) 1909, 1928
- Nicols *v. Police Pension Fund Com'rs* (1 Cal. App. 494; 82 Pac. 557) 755, 756
- Nicolson Paving Co. *v. Painter* (35 Cal. 699) 1202, 1205, 1210, 2451, 2452
- Nicoulin *v. Lowery* (49 N. J. L. 391; 8 Atl. 513) 928, 929, 1023, 1028, 1031
- Niehaus *v. Cooke* (134 Ala. 223; 32 So. 728) 1654
- Nielsen *v. Wakefield* (43 Mich. 434; 5 N. W. 458) 1648
- Nightingale, *In re* (11 Pick. [Mass.] 168) 939, 1073, 1079, 1080, 1082
- Niklaus *v. Conkling* (118 Ind. 289; 20 N. E. 797) 2399
- Niles *v. Los Angeles* (125 Cal. 572; 58 Pac. 190) 1705, 1711, 1714, 1724, 1726, 1736, 1740, 1746
- *v. Muzzy* (33 Mich. 61; 20 Am. Rep. 670) 674, 875, 1150
- Niles Tp. H. Com'rs *v. Martin* (4 Mich. 557) 2852, 2857
- Niles Water Works *v. Niles* (59 Mich. 311; 26 N. W. 525) 183, 359, 550, 1178, 2152
- Nill *v. Jenkinson* (15 Ind. 425) 2786
- Nilson *v. Jonesboro* (57 Ark. 168; 20 S. W. 1093) 1962
- Nims *v. Troy* (59 N. Y. 500) 3039, 3052, 3053, 3055
- Ninety-fourth Street, Matter of (22 N. Y. Misc. 32; 49 N. Y. Supp. 600) 1806
- Ninth Avenue, etc. *In re* (45 N. Y. 729) 1620
- Nisbet *v. Atlanta* (97 Ga. 650; 25 S. E. 173) 2885, 2886
- Nixon *v. Burlington* (141 Iowa, 316; 115 N. W. 239) 2600
- *v. Reid* (8 S. D. 507; 67 N. W. 57; 32 L. R. A. 315) 289
- Noble *v. Aasen* (10 N. Dak. 264; 76 N. W. 990) 2876
- *v. Bullis* (23 Iowa, 559; 92 Am. Dec. 442) 2833
- *v. Hanna* (74 Ill. App. 564) 3001
- *v. Portsmouth* (67 N. H. 183; 30 Atl. 419) 2821
- *v. Richmond* (31 Gratt. [Va.] 271; 31 Am. Rep. 726) 2976, 3019
- *v. St. Albans* (56 Vt. 522) 3044
- Nobles *v. Piolet* (16 Pa. Super. Ct. 386) 2797
- Noblesville *v. Lake Erie & W. R. Co.* (130 Ind. 1; 29 N. E. 484) 1697, 1698
- *v. Noblesville Gas & Imp. Co.* (157 Ind. 162; 60 N. E. 1032) 2230, 2236
- Nocks *v. Whiting* (126 Iowa, 405;

# TABLE OF CASES CITED

295

[References are to pages]

- 102 N. W. 109; 106 Am. St. Rep. 371) 2977
- Nocton v. Pennsylvania R. Co. (32 Pa. Super. Ct. 555) 1840
- Nodine v. Union (13 Oreg. 587; 11 Pac. 298) 981
- v. Union (42 Oreg. 613; 72 Pac. 582) 1687, 1716, 1737
- Noel v. People (187 Ill. 587; 58 N. E. 616; 79 Am. St. Rep. 238) 935
- v. San Antonio (11 Tex. Civ. App. 580; 33 S. W. 263) 419, 897, 1170, 1185, 1192
- Nogales Water Co. v. Neumann ([Ariz.], 100 Pac. 794) 2208
- Nohrden v. North Eastern R. Co. (54 S. Car. 492; 32 S. E. 524) 980
- Nokomis v. Farley (113 Ill. App. 161) 2998, 3015
- Nolan v. New Orleans (10 La. An. 106) 744
- v. Reese (32 Cal. 485) 2629
- Nolan County v. Beall (98 Tex. 104; 81 S. W. 526) 166
- v. State (83 Tex. 182; 17 S. W. 823) 385, 419, 426, 427, 1464
- Nolen v. State (118 Ala. 154; 24 So. 251) 2731
- Nolin v. Franklin (4 Yerger, 163) 1040
- Noonan v. Albany (79 N. Y. 470; 35 Am. Rep. 540) 3044, 3045
- v. Hudson (51 N. J. L. 454; 18 Atl. 117) 291
- v. Lawrence (130 Mass. 161) 2821
- v. Stillwater (33 Minn. 198; 22 N. W. 444; 53 Am. Rep. 23) 2504, 2533, 2984
- Norcross v. Griffiths (65 Wis. 599; 27 N. W. 606; 56 Am. Rep. 642) 489
- Nordyke & Marmon Co. v. McConkey (7 Idaho, 562; 64 Pac. 893) 2792
- Norfleet v. Cromwell (70 N. Car. 634; 16 Am. Rep. 787) 1637
- Norfolk v. Chamberlain (89 Va. 196; 16 S. E. 730) 2517
- v. Cooke (27 Gratt. [Va.] 430, 434) 489
- v. Ellis (26 Gratt. [Va.] 224) 2375, 2497, 2503, 2565
- v. Griffith-Powell Co. (102 Va. 115; 45 S. E. 889) 2468, 2472, 2475
- v. Norfolk Landmark Pub. Co. (95 Va. 564; 28 S. E. 959) 2469, 2475
- v. Nottingham (96 Va. 34; 30 S. E. 444) 1743
- v. Young (97 Va. 728; 34 S. E. 886) 2363
- Norfolk & W. R. Co. v. Carter (91 Va. 587; 22 S. E. 517) 3060
- Norfolk & W. R. Co. v. Pendleton (156 U. S. 667) 2448, 2450
- v. Pennsylvania (136 U. S. 114) 2339, 2355
- v. Sims (191 U. S. 441, rev'g 130 N. Car. 556; 41 S. E. 673) 2327, 2334
- v. Suffolk (103 Va. 498; 49 S. E. 658) 2339, 2475, 2476
- Norfolk, P. & N. N. Co. v. Norfolk (105 Va. 139; 52 S. E. 851) 989, 2474
- Normal v. Webb (91 Ill. App. 183) 2960, 2963
- Norman v. Teel (12 Okla. 69; 69 Pac. 791) 2998, 3020, 3021
- Normand v. Otoe County (8 Neb. 18) 2768
- Norment v. Charlotte (85 N. Car. 387) 659
- Normile v. Ballard (33 Wash. 369; 74 Pac. 566) 2901
- Norrell v. Augusta R. & E. Co. (116 Ga. 313; 42 S. E. 466; 59 L. R. A. 101) 1896, 1902
- Norris v. Abingdon Academy (7 Gill & Johns. [Md.] 7) 147, 199, 236
- v. Baltimore (44 Md. 606) 1653, 1654
- v. Boston (4 Met. [Mass.] 282) 2320
- v. Cross ([Okla.], 105 Pac. 1000) 2660
- v. Litchfield (35 N. H. 271; 69 Am. Dec. 546) 3000, 3004
- v. Oakham (138 Ala. 411; 35 So. 450) 1019
- v. Pueblo (12 Colo. App. 290; 55 Pac. 747) 1608
- v. Smithville (1 Swan [Tenn.] 164) 618
- v. Staps (Hob. 210) 922, 924, 979, 982, 985
- v. Waco (57 Tex. 635) 2311, 2425, 2786
- v. Wurster (23 N. Y. App. Div. 124; 48 N. Y. Supp. 656) 2777, 2779, 2780
- Norristown v. Fitzpatrick (94 Pa. St. 121; 39 Am. Rep. 771) 2850, 2882, 2884, 2979
- v. Moyer (67 Pa. St. 355) 1858, 2987, 2988, 2989
- v. Norristown P. R. Co. (148 Pa. 87; 23 Atl. 1060) 2079
- North v. People (139 Ill. 81; 28 N. E. 966) 675
- North Alton v. Dorsett (59 Ill. App. 612) 2929
- North Baltimore Pass. R. Co. v. Baltimore (75 Md. 247; 23 Atl. 470) 464, 1980

[References are to pages]

- North Baltimore Pass. R. Co.  
v. North Ave. R. Co. (75 Md.  
233; 23 Atl. 466) 1980
- North Beach & M. St. R. Co.'s  
Appeal (32 Cal. 499) 2418, 2591
- North Birmingham St. R. Co. v.  
Calderwood (89 Ala. 247; 7 So.  
360; 18 Am. St. Rep. 105) 965
- North Carolina R. Co. v. Ala-  
manca (77 N. Car. 4) 2441
- North Carolina State Prison v.  
Day (124 N. C. 382; 32 S. E.  
748) 689
- North Chicago City R. Co. v.  
Lake View (105 Ill. 183) 2067
- v. Lake View (105 Ill. 207;  
44 Am. Rep. 788) 1044, 1046,  
2067
- North Chicago St. R. Co. v. Cheet-  
ham (58 Ill. App. 318) 441
- North Chillicothe v. Burr (185  
Ill. 322; 57 N. E. 32) 1690, 1716,  
1723
- North Dumfries v. County of  
Waterloo (12 Upper Can. Q. B.  
507) 621
- North Hempstead v. Hempstead  
(2 Wend. [N. Y.] 109) 102, 120,  
626, 1556, 1566, 1579
- North Hudson County R. Co. v.  
Hoboken (41 N. J. L. 71) 999,  
1004, 2462
- North Jersey St. R. Co. v. Newark  
St. Com'rs (73 N. J. Eq. 106;  
67 Atl. 691) 1948
- v. So. Orange (58 N. J. Eq.  
83; 43 Atl. 53) 917, 991
- North Lebanon v. Arnold (47 Pa.  
488) 2855
- North Manheim v. Arnold (119 Pa.  
St. 380; 13 Atl. 444; 4 Am. St.  
Rep. 650) 2978
- North Milwaukee, *In re* (93 Wis.  
616; 67 N. W. 1033; 33 L. R.  
A. 638) 110
- North Mo. R. Co. v. Maguire (20  
Wall. [U. S.] 46) 2311, 2443
- v. Maguire (49 Mo. 482; 8  
Am. Rep. 141) 221, 2315, 2397,  
2423, 2770
- North Pacific L. & M. Co. v. East  
Portland (14 Oreg. 3; 12 Pac.  
4) 1169, 1237, 1252
- North Platte v. North Platte  
Waterworks Co. (56 Neb. 403;  
76 N. W. 906) 846, 907
- North Platte Waterworks Co. v.  
North Platte (50 Neb. 853; 70  
N. W. 1897) 440
- North River Boom Co. v. Smith  
(15 Wash. 138; 45 Pac. 750) 1618
- North River Elect. L. & Power  
Co. v. New York City (48 N. Y.  
App. Div. 14; 62 N. Y. Supp.  
726) 1184, 1190, 1201, 1204, 2293
- North Springs Water Co. v.  
Tacoma (21 Wash. 517; 58  
Pac. 773; 47 L. R. A. 214) 2161,  
2172
- North Vernon v. Voegler (89 Ind.  
77) 3052, 3054
- v. Voegler (103 Ind. 314; 2  
N. E. 821) 2923, 3049
- North Whitehall v. Keller (100 Pa.  
105; 45 Am. Rep. 361) 1660
- v. South Whitehall (3 Serg.  
& Rawle [Pa.] 117) 628
- North Yakima v. Scudder (41  
Wash. 15; 82 Pac. 1022) 1222,  
2609, 2629
- North Yarmouth v. Skillings (45  
Me. 133; 71 Am. Dec. 530) 143,  
236, 621, 627
- Northampton v. Smith (11 Metc.  
[Mass.] 390) 1146
- Northampton County v. Easton  
Passenger R. Co. (148 Pa. 282;  
23 Atl. 895) 2590
- v. Lafayette College (128 Pa.  
132; 18 Atl. 516) 2446
- Northdruff v. Lincoln (66 Neb.  
430; 92 N. W. 628) 3020
- Northeastern R. Co. v. Payne  
(8 Rich. L. [S. Car.] 177) 1971
- Northern Bank of Toledo v.  
Porter Tp. Trs. (110 U. S. 608) 1422,  
1469, 1506, 1517
- Northern Cent. R. Co. v. Balti-  
more (21 Md. 93) 462, 905, 1943,  
1952, 1960, 1979
- v. Baltimore (46 Md. 425) 1617
- v. Holland (117 Pa. 613; 12  
Atl. 575) 2026
- v. Jackson (7 Wall. [U. S.]  
262) 2319, 2409
- v. Maryland (187 U. S. 258,  
aff'g 90 Md. 447; 45 Atl. 465) 2450
- Northern Indiana R. Co. v. Con-  
nelly (10 Ohio St. 159) 135, 2319,  
2375, 2423, 2538, 2584, 2587
- Northern Liberties v. Northern  
Liberties Gas Co. (12 Pa. St.  
318) 925, 927, 941, 1771, 1836
- v. St. John's Church (13 Pa.  
104) 2488, 2573
- Northern Ohio R. Co. v. Hancock  
County (63 Ohio St. 32; 57 N.  
E. 1023) 1614
- Northern Pac. R. Co. v. Barnes  
(2 N. Dak. 310; 51 N. W. 386) 2338
- v. Duluth (208 U. S. 583) 2060
- v. Keyes (91 Fed. Rep. 47) 2227,  
2259, 2288
- v. Lake (10 N. Dak. 541; 88  
N. W. 461) 1794
- v. Owens (86 Minn. 188; 90

## TABLE OF CASES CITED

297

[References are to pages]

- N. W. 371; 91 Am. St. Rep. 336) 764  
 Northern Pac. R. Co. *v.* Raymond (5 Dak. 356; 40 N. W. 538) 2338  
 — *v.* Seattle (46 Wash. 674; 91 Pac. 244; 12 L. R. A. N. s. 121) 2529, 2586  
 — *v.* Spokane (29 U. S. App. 81) 1703  
 — *v.* Spokane (56 Fed. Rep. 915) 1715  
 — *v.* Townsend (84 Minn. 152; 86 N. W. 1007; 87 Am. St. Rep. 342) 1899  
 — *v.* Traill County (115 U. S. 600) 2322  
 Northern Pac. Terminal Co. *v.* Portland (14 Oreg. 24; 13 Pac. 705) 1646  
 Northern Pine Land Co. *v.* Bigelow (84 Wis. 157; 54 N. W. 496; 21 L. R. A. 776) 489  
 Northern R. Co. *v.* Englewood (62 N. J. L. 188; 40 Atl. 653) 924  
 Northern Transp. Co. of Ohio *v.* Chicago (99 U. S. 635) 1782, 1783, 2918, 2920, 2929, 2930, 2932, 2934, 2938, 2939  
 Northern Trust Co. *v.* Wilmette (220 Ill. 417; 77 N. E. 169) 1393  
 Northport *v.* Northport Town Site Co. (27 Wash. 543; 68 Pac. 204) 1142, 1143, 1146, 1147, 2603  
 Northrop *v.* Graves (19 Conn. 548; 1 Am. Rep. 264) 2834  
 — *v.* Richmond (105 Va. 335; 53 S. E. 962) 1958  
 — *v.* Richmond (105 Va. 341; 53 S. E. 963) 1958  
 Northville *v.* Westfall (75 Mich. 603; 42 N. W. 1068) 977  
 Northwestern & Pac. H. Bank *v.* Spokane (18 Wash. 456; 51 Pac. 1070) 2638  
 Northwestern Lumber Co. *v.* Aberdeen (20 Wash. 102; 54 Pac. 935) 1250  
 — *v.* Aberdeen (22 Wash. 404; 60 Pac. 1115) 1303, 1305, 1306, 1307  
 — *v.* Aberdeen (35 Wash. 636; 77 Pac. 1063) 1307  
 — *v.* Aberdeen (44 Wash. 261; 87 Pac. 260) 1307  
 — *v.* Chehalis County (25 Wash. 95; 64 Pac. 909; 54 L. R. A. 212; 87 Am. St. Rep. 747) 2417  
 Northwestern Masonic Aid Assoc. *v.* Waddill (138 Mo. 628; 40 S. W. 648) 2385  
 Northwestern Packet Co. *v.* Atlee (2 Dillon C. C. R. 479) 497  
 — *v.* St. Louis (4 Dillon C. C. R. 10) 475  
 Northwestern Packet Co. *v.* St. Paul (2 Dillon C. C. R. 454) 475  
 Northwestern Sav. Bank *v.* Centreville Station (143 Fed. Rep. 81) 1405, 1484  
 Northwestern Tel. Exch. Co. *v.* Anderson (12 N. Dak. 585; 98 N. W. 706; 65 L. R. A. 771; 102 Am. St. Rep. 580) 1852, 1985  
 — *v.* Chicago, M. & St. P. R. Co. (76 Minn. 334; 79 N. W. 315) 1927  
 — *v.* Minneapolis (81 Minn. 140; 83 N. W. 527; 86 N. W. 69; 53 L. R. A. 175) 1923, 1927, 1985, 2069, 2071  
 — *v.* St. Charles (154 Fed. Rep. 386) 1924  
 — *v.* Twin City Tel. Co. (89 Minn. 495; 95 N. W. 460) 1986  
 Northwestern Union Packet Co. *v.* Keokuk (95 U. S. 80) 2418  
 — *v.* St. Louis (100 U. S. 423, aff'g 4 Dillon C. C. R. 10) 2418  
 Northwestern Univ. *v.* People (80 Ill. 333; 22 Am. Rep. 187) 2444  
 — *v.* Wilmette (230 Ill. 80; 82 N. E. 615) 2546, 2556, 2613  
 Northwood *v.* Barber Asphalt Paving Co. (126 Mich. 284; 85 N. W. 724; 54 L. R. A. 454) 1052  
 — *v.* Barrington (9 N. H. 369) 830  
 Norton, *In re* (61 Minn. 542; 64 N. W. 190) 2533  
 — *v.* Brownville (129 U. S. 479) 1512  
 — *v.* Brownville Taxing Dist. (36 Fed. Rep. 99) 1512  
 — *v.* Courtney (53 Cal. 691) 2455  
 — *v.* Dyersburg (127 U. S. 160) 580, 581, 582, 1332, 1354, 2688  
 — *v.* East St. Louis (36 Ill. App. 171) 384  
 — *v.* Kramer (180 Mo. 536; 79 S. W. 699) 2973  
 — *v.* Mansfield (16 Mass. 48) 75  
 — *v.* New Bedford (166 Mass. 48; 43 N. E. 1034) 2902, 2903  
 — *v.* Peck (3 Wis. 714) 60  
 — *v.* Roslyn (10 Wash. 44; 38 Pac. 878) 1279  
 — *v.* Shelby County (118 U. S. 425) 92, 123, 843, 1374, 1436, 1512, 1531, 2734, 2737  
 — *v.* Sinkhorn (61 N. J. Eq. 508; 48 Atl. 822; s. c. 63 N. J. Eq. 313; 50 Atl. 506) 1276  
 Norwalk Gas Light Co. *v.* Norwalk (63 Conn. 495; 28 Atl. 32) 1193  
 Norwalk St. R. Co.'s Appeal (69 Conn. 576; 37 Atl. 1080; 38 Atl. 708; 39 L. R. A. 794) 148, 2260



[References are to pages]

- Norway Dist. Tp. *v.* Clear Lake Tp. (11 Iowa, 506) 2823
- Norwich *v.* Breed (30 Conn. 535) 3013, 3032
- *v.* Hubbard (22 Conn. 587) 2488, 2610
- *v.* Story (25 Conn. 44) 1803
- Norwich & W. R. Co. *v.* County Com'rs (151 Mass. 69; 23 N. E. 721) 2588
- Norwich Gas & Elect. Co. *v.* Norwich (76 Conn. 565; 57 Atl. 746) 2115, 2185, 2193, 2197, 2198, 2199
- Norwich Gas Light Co. *v.* Norwich City Gas Co. (25 Conn. 19) 145, 1916, 1918, 2158, 2166
- Norwood *v.* Baker (172 U. S. 269) 2317, 2514, 2515, 2516, 2517, 2519, 2520, 2521, 2523, 2524, 2525, 2526, 2528, 2529, 2533, 2534, 2536, 2537, 2538, 2539, 2541, 2542, 2543, 2552, 2565, 2572, 2766
- *v.* Gonzales County (79 Tex. 218; 14 S. W. 1057) 1799
- *v.* Somerville (159 Mass. 105; 33 N. E. 1108) 2821, 3001
- Nottage *v.* Portland (35 Oreg. 539; 58 Pac. 883; 76 Am. St. Rep. 513) 232, 2365, 2370, 2597, 2636
- Nottingham, *In re* (1 O'M. & H. 245) 644
- Nott's Case (11 Me. 208) 1099
- Nowell *v.* Worcester (9 Exch. 457) 524, 630, 1139
- *v.* Wright (3 Allen [Mass.] 166; 80 Am. Dec. 62) 773, 2882
- Nowlen *v.* Benton Harbor (134 Mich. 401; 96 N. W. 450) 2529, 2602
- Nowlin *v.* State (49 Ala. 41) 2802
- Noxubee County Hardware Co. *v.* Macon (90 Miss. 636; 43 So. 304) 1143
- Noyes *v.* Granger (51 Iowa, 227; 1 N. W. 519) 1265
- *v.* Mason (53 Iowa, 418; 5 N. W. 595) 451, 2933
- *v.* Morristown (1 Vt. 357) 2971
- *v.* Ward (19 Conn. 250) 1687, 1693, 1695, 1727, 1728, 1848
- Nudd *v.* Hobbs (17 N. H. 524) 487, 1696
- Nugent *v.* Dilworth (95 Iowa, 49; 63 N. W. 448) 2446
- *v.* Jackson (72 Miss. 1040; 18 So. 493) 2381, 2493, 2527, 2566
- *v.* Putnam County (19 Wall. [U. S.] 241) 1508, 1513, 1515
- *v.* State (18 Ala. 521) 1117
- Nunemacher *v.* Louisville (98 Ky. 334; 32 S. W. 1091) 1143, 1145, 1148
- Nutt *v.* Manchester (58 N. H. 226) 2861
- Nuttall *v.* Simis (31 N. Y. App. Div. 503; 52 N. Y. Supp. 308) 818
- Nutter *v.* Pearl (71 N. H. 247; 51 Atl. 897) 1876
- Oak Cliff *v.* State (97 Tex. 383; 79 S. W. 1) 306, 334, 445
- Oak Cliff Sewerage Co. *v.* Marsalis (30 Tex. Civ. App. 42; 69 S. W. 176) 1706
- Oakes *v.* Hill (10 Pick. [Mass.] 333) 25, 96
- Oakey *v.* New Orleans (1 La. 1) 2406
- Oakland *v.* Carpenter (13 Cal. 540) 462, 464, 508, 846, 2749, 2752
- *v.* Carpentier (21 Cal. 642) 2752
- *v.* Miller (90 Miss. 275; 43 So. 467) 974
- *v.* Oakland Water Front Co. (118 Cal. 160; 50 Pac. 277) 232, 492, 495, 496, 508, 509, 893, 984, 1583, 1586
- *v.* Snow (145 Cal. 419; 78 Pac. 1060) 739
- *v.* Whipple (39 Cal. 112) 2418, 2479
- Oakland Cemetery *v.* Ramsey County (98 Minn. 404; 108 N. W. 857; 116 Am. St. Rep. 377) 2828, 2830
- *v.* Yonkers (63 N. Y. App. Div. 448; 71 N. Y. Supp. 783, aff'd 182 N. Y. 564; 75 N. E. 1132) 2573
- Oakland Paving Co. *v.* Hilton (69 Cal. 479; 11 Pac. 3) 2648
- *v.* Rier (52 Cal. 270) 1812
- Oakland Sugar Mill Co. *v.* Wolf Co. (118 Fed. Rep. 239) 2353, 2354
- Oakley *v.* Atlantic City (63 N. J. L. 127; 44 Atl. 651) 1222
- *v.* Luzerne (25 Pa. Super. Ct. 425) 1724, 1732, 1738
- *v.* Williamsburgh (6 Paige [N. Y.] 262) 1790, 1820
- Oates *v.* Hudson (5 Eng. L. & Eq. 469) 2828
- Obermeyer *v.* Patterson (130 Cal. 531; 62 Pac. 926) 2451
- O'Berry, Matter of (179 N. Y. 285; 72 N. E. 109) 1321
- O'Brien, *In re* (119 Mich. 540; 79 N. W. 1070) 1813
- *v.* Central Iron & Steel Co. (158 Ind. 218; 63 N. E. 302; 57 L. R. A. 508; 92 Am. St. Rep. 305) 1775, 1785, 1790, 1993
- *v.* Colusa County (67 Cal. 503; 8 Pac. 37) 2826



## TABLE OF CASES CITED

299

[References are to pages]

- O'Brien *v.* Krockinski (50 Ill. App. 456) 441  
 — *v.* New York (139 N. Y. 543; 35 N. E. 323) 1229  
 — *v.* New York (160 N. Y. 691; 55 N. E. 1098, aff'g 40 N. Y. App. Div. 331; 57 N. Y. Supp. 1039) 673, 1239  
 — *v.* New York (15 N. Y. Supp. 520) 2901  
 — *v.* Pennsylvania S. V. R. Co. (119 Pa. 184; 13 Atl. 317) 2948  
 — *v.* Philadelphia (150 Pa. 589; 24 Atl. 1047; 30 Am. St. Rep. 832) 2924  
 — *v.* St. Paul (18 Minn. 176) 3056  
 — *v.* St. Paul (25 Minn. 331; 33 Am. Rep. 470) 2928, 3041  
 — *v.* Trenton (6 Up. Can. C. P. 350) 1793  
 — *v.* Trenton (7 Up. Can. C. P. 246) 1712  
 — *v.* Wheelock (184 U. S. 450, aff'g 95 Fed. Rep. 883) 1550, 2388, 2389, 2600, 2606  
 — *v.* Worcester (172 Mass. 348; 52 N. E. 385) 3054  
 O'Brien County *v.* Brown (1 Dillon C. C. R. 588) 2752  
 O'Bryan *v.* Owensboro (113 Ky. 680; 68 S. W. 858; 69 S. W. 800) 423, 430  
 O'Byrne *v.* Philadelphia (93 Pa. 225) 2484  
 Ocean Springs *v.* Green (77 Miss. 472; 27 So. 743) 909  
 Oceanic Steam Nav. Co. *v.* Campana Transatlantica Espanola (134 N. Y. 461; 31 N. E. 987; 30 Am. St. Rep. 685) 516  
 Ockerhausen *v.* Tyson (71 Conn. 31; 40 Atl. 1041) 483  
 O'Connell *v.* Chicago Terminal Transfer R. Co. (184 Ill. 308; 56 N. E. 355) 2010, 2016, 2017  
 O'Connor *v.* Bucklin (59 N. H. 589) 675  
 — *v.* Memphis (6 Lea [Tenn.] 730) 598, 599  
 — *v.* New York (9 N. Y. Supp. 492; 16 Daly [N. Y.] 58) 2967  
 — *v.* Otonabee Tp. (35 Up. Can. Q. B. 73) 2979  
 — *v.* Pittsburgh (18 Pa. St. 187) 1771, 1820, 1933, 2012, 2539, 2924, 2938  
 — *v.* Walsh (83 N. Y. App. Div. 179; 82 N. Y. Supp. 499) 665, 2777  
 Oconto *v.* Chicago & N. W. R. Co. (44 Wis. 231) 2082  
 Oconto City Water Supply Co. *v.* Oconto (105 Wis. 76; 80 N. W. 1113) 362, 1348, 2131, 2153, 2402  
 Oconto County *v.* Hall (47 Wis. 208; 2 N. W. 291) 875  
 Ocorr & Rugg Co. *v.* Little Falls (77 N. Y. App. Div. 592; 79 N. Y. Supp. 251, aff'd 178 N. Y. 622; 70 N. E. 1104) 1279, 1281  
 Odd Fellows Cem. Assoc. *v.* San Francisco (140 Cal. 226; 73 Pac. 987) 1032, 1033, 1046  
 Ode *v.* Manhattan R. Co. (56 Hun [N. Y.] 199; 9 N. Y. Supp. 338) 2048  
 O'Dea *v.* Mitchell (144 Cal. 374; 77 Pac. 1020) 2525  
 Odegaard *v.* Albert Lea (33 Minn. 351; 23 N. W. 526) 61  
 Odell *v.* Atlanta (97 Ga. 670; 25 S. E. 173) 1111  
 — *v.* Bretney (62 N. Y. App. Div. 595; 71 N. Y. Supp. 449) 1856, 1860, 1861  
 — *v.* Bretney (38 N. Y. Misc. 603; 78 N. Y. Supp. 603) 1856  
 — *v.* New York Elev. R. Co. (130 N. Y. 690; 29 N. E. 998) 2043  
 — *v.* Schroeder (58 Ill. 353) 962, 1136, 1587, 2841, 2884, 2885, 2886  
 O'Dell *v.* Scranton (126 Mo. App. 19; 103 S. W. 570) 1287  
 Odendahl *v.* Rich (112 Iowa, 182; 83 N. W. 886) 2831  
 O'Docherty *v.* Archer (9 Tex. 295) 650, 653  
 Odon *v.* Dobbs (25 Ind. App. 522; 58 N. E. 562) 2973  
 O'Donnell *v.* Bailey (24 Miss. 386) 2397, 2423  
 — *v.* New London (113 Wis. 292; 89 N. W. 511) 2813, 2822  
 — *v.* Philadelphia (7 Phila. [Pa.] 234) 1293  
 — *v.* Preston (74 N. Y. App. Div. 86; 77 N. Y. Supp. 305) 1819  
 — *v.* Syracuse (184 N. Y. 1; 76 N. E. 738; 3 L. R. A. n. s. 1053; 112 Am. St. Rep. 558, rev'g 102 N. Y. App. Div. 80; 92 N. Y. Supp. 555) 1769, 2813, 3037, 3054, 3056  
 — *v.* White (23 R. I. 318; 50 Atl. 333) 3045, 3046  
 — *v.* White (24 R. I. 483; 53 Atl. 633) 2874, 2876, 2877, 2925  
 O'Dowd *v.* Boston (149 Mass. 443; 21 N. E. 949) 794  
 O'Dwyer *v.* Monett (123 Mo. App. 184; 100 S. W. 670) 860  
 — *v.* Northern Market Co. (24 App. D. C. 81) 2915, 2960, 2961  
 Oebicke *v.* Pittsburg (U. S. C. C.; 7 Am. Law Reg. 725) 580  
 Oehler *v.* Big Stone City (16 S. Dak. 86; 91 N. W. 450) 623

## TABLE OF CASES CITED

[References are to pages]

- Oesterreich v. Detroit* (137 Mich. 415; 100 N. W. 593) 2999  
 — *v. Fowle* (132 Mich. 9; 92 N. W. 497) 801, 809  
*Oettinger v. District of Columbia* (18 App. D. C. 375) 1706, 1730  
*O'Ferrall v. Colby* (2 Minn. 180) 2666  
*Ogden, Ex parte* (43 Tex. Crim. Rep. 531; 66 S. W. 1100) 926  
 — *v. Bear Lake & Riv. W. & Irr. Co.* (16 Utah, 440; 52 Pac. 697) 449, 1584, 2128  
 — *v. Bear Lake & Riv. W. & Irr. Co.* (28 Utah, 25; 76 Pac. 1069) 2129, 2134, 2135  
 — *v. Daviess County* (102 U. S. 634) 1349, 1350, 1479, 1516, 1517  
 — *v. Hudson* (29 N. J. L. 475, rev'g 29 N. J. L. 104) 2537, 2603, 2608  
 — *v. Madison* (111 Wis. 413; 87 N. W. 568) 972, 1041, 1128, 1133  
 — *v. Raymond* (22 Conn. 379; 58 Am. Dec. 429) 777  
*Ogden City v. Armstrong* (168 U. S. 224) 2595  
 — *v. Crossman* (17 Utah, 66; 53 Pac. 985) 2332, 2349  
 — *v. Weaver* (108 Fed. Rep. 564) 896, 2135  
*Ogg v. Lansing* (35 Iowa, 495; 14 Am. Rep. 499) 2880, 2884, 2885, 2893, 2898  
*Ogle v. Belleville* (143 Ill. App. 514, aff'd 238 Ill. 389; 87 N. E. 353) 2736  
 — *v. Cumberland* (90 Md. 59; 44 Atl. 1015) 1727, 2975  
*O'Gorman v. Morris* (26 Minn. 267; 3 N. W. 349) 3013  
*O'Grady v. Low, Matter of* (74 N. Y. App. Div. 246; 77 N. Y. Supp. 661) 708  
*O'Hale v. Sacramento* (48 Cal. 212) 3022  
*O'Halloran v. Jackson* (107 Mich. 138; 64 N. W. 1046) 1020  
*O'Hanlin v. Carter Oil Co.* (54 W. Va. 510; 46 S. E. 565) 3012  
*O'Hara v. Brooklyn* (57 N. Y. App. Div. 176; 68 N. Y. Supp. 210) 2967  
 — *v. Buffalo* (39 N. Y. App. Div. 443; 57 N. Y. Supp. 367) 3020  
 — *v. Fagan* (56 N. J. L. 279; 27 Atl. 1089) 1316  
 — *v. New Orleans* (30 La. An. 152) 1230, 1236  
 — *v. New York* (46 N. Y. App. Div. 518; 62 N. Y. Supp. 146, aff'd 167 N. Y. 567; 60 N. E. 1117) 744  
 — *v. Portland* (3 Oreg. 525) 144  
*O'Hara v. Scranton* (205 Pa. 142; 54 Atl. 713) 1254, 1395  
 — *v. State* (112 N. Y. 146; 19 N. E. 659; 8 Am. St. Rep. 726) 222, 231  
*O'Hare v. Dubuque* (22 Iowa, 144) 2429  
*O'Haver v. Montgomery* (120 Tenn. 448; 111 S. W. 449; 127 Am. St. Rep. 1014) 1814  
*Ohio & M. R. Co. v. People* (119 Ill. 207; 10 N. E. 545) 880  
*Ohio Life Ins. & Trust Co. v. Debolt* (16 How. [U. S.] 416) 1408, 1410  
 — *v. Merchants' Ins. & T. Co.* (11 Humph. [Tenn.] 1; 53 Am. Dec. 742) 1182  
*Ohio Oil Co. v. Indiana* (177 U. S. 190) 2109  
*Ohio State Journal Co. v. Brown* (10 Ohio Cir. Dec. 470) 947  
*Ohio Turnpike Co. v. Waechter* (25 Ohio Cir. Ct. R. 605) 2740  
*Ohliger v. Toledo* (20 Ohio Cir. Ct. R. 142) 2972, 3000, 3002  
*Oil City v. Oil City Boiler Works* (152 Pa. 348; 25 Atl. 549) 1814, 1815, 2612  
*Oimette v. Chicago* (242 Ill. 501; 90 N. E. 300) 2814  
*O'Kane v. Treat* (25 Ill. 557) 1802  
*O'Keefe v. New York* (173 N. Y. 474; 66 N. E. 194) 1261  
*O'Keefe v. New York* (176 N. Y. 297; 68 N. E. 588, aff'g 86 N. Y. App. Div. 626; 83 N. Y. Supp. 1112) 1292, 1320  
*Oklahoma City v. Meyers* (4 Okl. 686; 46 Pac. 552) 3013  
*Oklahoma City & T. R. Co. v. Dunham* (39 Tex. Civ. App. 575; 88 S. W. 849) 1697  
*Olathe v. Missouri & K. Interurban R. Co.* (78 Kan. 193; 96 Pac. 42) 2729  
 — *v. Mizee* (48 Kan. 435; 29 Pac. 754; 30 Am. St. Rep. 308) 2984  
*O'Laughlin v. Dubuque* (42 Iowa, 539) 2974  
 — *v. Kirkwood* (107 Mo. App. 302; 81 S. W. 512) 643  
*Olcott v. Fond du Lac Sup.* (16 Wall. [U. S.] 678) 132, 576, 1364, 1367, 1402, 1404, 1406, 1408, 1413, 1526, 2103, 2653  
 — *v. Robinson* (21 N. Y. 150) 642, 643  
 — *v. St. Paul* (91 Minn. 207; 97 N. W. 879) 2821  
*Old Colony & F. R. R. Co. v. Plymouth County* (14 Gray [Mass.] 155) 1616

## TABLE OF CASES CITED

301

[References are to pages]

- Old Colony R. R. Co. *v.* Miller (125 Mass. 1) 1660
- Old Colony Trust Co. *v.* Atlanta (83 Fed. Rep. 39) 2754
- Old Dominion SS. Co. *v.* Virginia (198 U. S. 299) 2410, 2411, 2417, 2418
- Old Dominion Tel. Co. *v.* Powers (140 Ala. 220; 37 So. 195) 990, 992
- Old South Soc. *v.* Boston (127 Mass. 378) 2446
- Oldham *v.* Birmingham (102 Ala. 357; 14 So. 793) 733, 734, 735
- Oldknow *v.* Wainwright (2 Burr. 1017, 1021) 654
- Olean *v.* Steyner (135 N. Y. 341; 32 N. E. 9) 1806
- O'Leary, *Ex parte* (65 Miss. 80; 3 So. 144; 7 Am. St. Rep. 640) 1050, 1051
- *v.* Board of Education (93 N. Y. 1; 45 Am. Rep. 156) 765
- *v.* Board of Education (174 N. Y. 511; 66 N. E. 1113, rev'g 78 N. Y. App. Div. 475; 79 N. Y. Supp. 806) 805
- *v.* Board of Fire, &c. Com'rs (79 Mich. 281; 44 N. W. 608; 19 Am. St. Rep. 169) 59
- *v.* Mankato (21 Minn. 65) 2965, 2993
- *v.* Sloo (7 La. An. 25) 1812
- Oler *v.* Ridgeway (55 N. J. L. 10; 25 Atl. 936) 284
- Oleson *v.* Tolford (37 Wis. 327) 3018
- Olin *v.* Denver & R. G. R. Co. (25 Colo. 177; 53 Pac. 454) 1687, 1699, 1846
- *v.* Meyers (55 Iowa, 209; 7 N. W. 509) 873
- O'Linda *v.* Lothrop (21 Pick. [Mass.] 292) 1857, 1872, 1882
- Olyphant *v.* Atchison County Com'rs (18 Kan. 386) 882
- Olive *v.* Westmount (16 Rap. Jud. Que. C. S. 426) 2984
- Olive Cemetery *v.* Philadelphia (93 Pa. 129; 39 Am. Rep. 732) 2573
- Oliver, Information against (21 S. Car. 318; 53 Am. Rep. 681) 988, 995
- *v.* Americus (69 Ga. 165) 819
- *v.* Denver (13 Colo. App. 345; 57 Pac. 729) 2976
- *v.* Elberton (124 Ga. 64; 52 S. E. 15) 422
- *v.* Jersey City (63 N. J. Law, 96; 42 Atl. 782) 727
- *v.* Kansas City (69 Mo. 79) 2992, 3012, 3024
- *v.* Keightley (24 Ind. 514) 2768
- *v.* Monona County (117 Iowa, 43; 90 N. W. 510) 2368, 2526
- Oliver *v.* Newberg (50 Oreg. 92; 91 Pac. 470) 1737, 1798, 1799, 1800
- *v.* North Eastern R. Co. (L. R. 9 Q. B.) 409) 2077
- *v.* Pitman (98 Mass. 46) 1742
- *v.* Synhorst (48 Oreg. 292; 86 Pac. 376; 7 L. R. A. N. S. 243) 1897, 1903
- *v.* Washington Mills (11 Allen [Mass.] 268) 2323
- *v.* Worcester (102 Mass. 489; 3 Am. Rep. 485) 182, 183, 2809, 2859, 2866, 2888, 2892, 2894, 2899, 2913, 2914, 2957, 2958, 3032
- Olmsted *v.* Dennis (77 N. Y. 379) 724, 842
- *v.* Morris Aqueduct (46 N. J. L. 495) 2117
- *v.* Morris Aqueduct (47 N. J. L. 311) 2205
- *v.* Superior (155 Fed. Rep. 172) 1390, 1391
- Olney *v.* Harvey (50 Ill. 453; 99 Am. Dec. 530) 445, 605, 625, 1586, 1588, 2678, 2679
- *v.* Pearce (1 R. I. 292) 680
- *v.* Riley (39 Ill. App. 401) 2990
- *v.* Wharf (115 Ill. 519; 5 N. E. 366; 56 Am. Rep. 178) 2010, 2016, 2077, 2945, 2946
- Olp *v.* Leddick (59 Hun [N. Y.] 627; 14 N. Y. Supp. 41) 2776
- Olsen *v.* Worcester (142 Mass. 536; 8 N. E. 441) 2955, 3016
- Olson *v.* Chippewa Falls (71 Wis. 558; 37 N. W. 575) 2963
- *v.* Merrill (42 Wis. 203, 211) 489
- *v.* Seattle (30 Wash. 687; 71 Pac. 201) 1664
- Olympic Club Assoc. *v.* Speer (29 Colo. 158; 67 Pac. 161) 990
- Olyphant Sewage-Drainage Co. *v.* Olyphant (211 Pa. 526; 61 Atl. 72) 1815, 2612
- Omaha *v.* Croft (60 Neb. 57; 82 N. W. 120) 2934
- *v.* Gsanter ([Neb.], 93 N. W. 407) 2596
- *v.* Hammond (94 U. S. 98) 1259
- *v.* Harmon (58 Neb. 339; 78 N. W. 623) 988
- *v.* Hawver (49 Neb. 1; 67 N. W. 891) 1706, 1736
- *v.* Hodgskins (70 Neb. 229; 97 N. W. 346) 2577
- *v.* Jensen (35 Neb. 68; 52 N. W. 833; 37 Am. St. Rep. 432) 3016, 3022
- *v.* Olmsted (5 Neb. 446) 1124, 2992, 2995, 2996
- *v.* Standard Oil Co. (55 Neb. 337; 75 N. W. 859) 1282

[References are to pages]

- Omaha v. Williams* (52 Neb. 40; 71 N. W. 970) 2925  
*Omaha & R. V. R. Co. v. Rogers* (16 Neb. 117; 19 N. W. 603) 2015  
 — *v. Standen* (22 Neb. 343; 35 N. W. 183) 2925  
*Omaha Water Co. v. Omaha* (147 Fed. Rep. 1; 12 L. R. A. n. s. 736) 455, 2134, 2153, 2239, 2242, 2263  
 — *v. Omaha* (156 Fed. Rep. 922) 2297  
 — *v. Omaha* (162 Fed. Rep. 225) 2189, 2191  
*O'Maley v. Freeport* (96 Pa. St. 24; 42 Am. Rep. 527) 925, 996  
*O'Malley v. Gerth* (67 N. J. Law, 610; 52 Atl. 563) 3028, 3029  
 — *v. Lexington* (99 Mo. App. 695; 74 S. W. 890) 2975  
 — *v. Olyphant* (198 Pa. 525; 48 Atl. 483) 437  
 — *v. Parsons* (191 Pa. 612; 43 Atl. 384; 71 Am. St. Rep. 778) 2963  
*O'Mally v. McGinn* (53 Wis. 353; 10 N. W. 515) 888, 889, 911  
*O'Meara v. New York* (1 Daly [N. Y.] 425) 2894  
*Omnibus R. R. Co. v. Baldwin* (57 Cal. 160) 131, 262  
*Omro v. Kaime* (39 Wis. 468) 764  
 116th Street, Matter of (1 N. Y. App. Div. 436; 37 N. Y. Supp. 508) 1607, 1807  
*Oneida v. King* (116 N. Y. App. Div. 35; 101 N. Y. Supp. 239) 1362  
 — *v. Thompson* (92 Hun [N. Y.] 16; 37 N. Y. Supp. 889) 764  
*Oneida Bank v. Ontario Bank* (21 N. Y. 490) 543, 1182  
*O'Neil v. Detroit* (50 Mich. 133; 15 N. W. 48) 2973  
 — *v. Flannagan* (98 Me. 426; 57 Atl. 591) 1143, 1146, 1149  
 — *v. People* (166 Ill. 561; 46 N. E. 1096) 2546, 2555  
 — *v. Police Jury* (21 La. An. 586) 519  
 — *v. Tyler* (3 N. Dak. 47; 53 N. W. 434) 873  
 — *v. West Branch* (81 Mich. 544; 45 N. W. 1023) 2975  
*O'Neill v. Annett* (27 N. J. L. 290; 72 Am. Dec. 364) 1757  
 — *v. Hoboken* (72 N. J. Law, 67; 60 Atl. 50) 223  
 — *v. Hudson County* (41 N. J. L. 161) 1652  
 — *v. Lowell* (6 Allen [Mass.] 110) 2967  
 — *v. Milwaukee* (121 Wis. 32; 98 N. W. 963) 226, 1228, 1231  
*O'Neill v. New Orleans* (30 La. An. 220; 31 Am. Rep. 221) 2984  
*Oney v. West Buena Vista Land Co.* (104 Va. 580; 52 S. E. 343; 2 L. R. A. n. s. 832; 113 Am. St. Rep. 1066) 1696, 1744  
*Onondaga County v. Briggs* (2 Denio [N. Y.] 26; s. c. 2 Hill [N. Y.] 135) 1315, 2834  
*Onslow County v. Tollman* (145 Fed. Rep. 753) 1238, 1371, 1405, 1413, 1475  
*Onstott v. Murray* (22 Iowa, 466) 1709, 1710, 1713, 1892  
*Ontario v. Hill* (99 N. Y. 324; 1 N. E. 887) 1538  
 — *v. Rochester Union Bank* (21 N. Y. Misc. 770; 47 N. Y. Supp. 927) 1477, 1540  
*Ontario Bank v. Bunnell* (10 Wend. [N. Y.] 186) 2422, 2458, 2459  
*Ontario Land Co. v. Yordy* (212 U. S. 152, aff'g 44 Wash. 239; 87 Pac. 257) 2367, 2487  
*Opelika v. Daniel* (59 Ala. 211) 571  
*Opelousas v. Andrus* (37 La. An. 699) 949  
 — *v. Norman* (51 La. An. 736; 25 So. 401) 1035, 1046  
*Opinion of the Justices, In re* (38 Me. Appendix) 641  
*Opinion of the Justices* (58 Me. 591) 343, 2098, 2312  
 — (81 Maine, 602; 18 Atl. 291) 380, 384, 1507  
*Opinion of the Justices, In re* (99 Me. 515; 60 Atl. 85) 217  
 — (6 Cush. [Mass.] 580) 619, 627  
 — (7 Mass. 525; 15 Mass. 537) 70, 641  
 — (138 Mass. 601) 687, 688  
 — (145 Mass. 587; 13 N. E. 15) 694, 711, 712  
 — (150 Mass. 592; 24 N. E. 1084; 8 L. R. A. 487) 2117, 2120  
 — (155 Mass. 598; 30 N. E. 1142; 15 L. R. A. 809) 2097, 2098  
 — (166 Mass. 589; 44 N. E. 625; 34 L. R. A. 58) 711  
 — (175 Mass. 599; 57 N. E. 675; 49 L. R. A. 564) 751  
 — (182 Mass. 605; 66 N. E. 25) 2098, 2099  
 — (186 Mass. 603; 72 N. E. 95) 752  
 — (190 Mass. 611; 77 N. E. 820) 752  
*Opinions of the Justices, In re* ([Vt.], 72 Atl. 754) 2732  
*Oquawka v. Graves* (82 Fed. Rep. 568) 537, 1335, 1337, 1494, 1498  
*Oran v. Bles* (52 Mo. App. 509) 675  
*Orange & A. R. Co. v. Alexandria* (17 Gratt. [Va.] 176) 446, 2400, 2423, 2444, 2445, 2458

## TABLE OF CASES CITED

303

[References are to pages]

- Orange City v. Thayer** (45 Fla. 502; 34 So. 573) 2747  
**Ord v. Nash** (50 Neb. 335; 69 N. W. 964) 2996  
**Ordway v. Canisteo** (66 Hun [N. Y.] 569; 21 N. Y. Supp. 835) 3037  
**Oregon v. Jennings** (119 U. S. 74) 1413, 1422, 1438, 1453, 1461, 1466, 1467, 1471, 1487, 1490, 1512  
 — **v. McKennon** (8 Oreg. 485) 649  
 — **v. Pyle** (1 Oreg. 149) 728  
**Oregon City v. Moore** (30 Oreg. 215; 46 Pac. 1017) 309  
 — **v. Oregon & C. R. Co.** (44 Oreg. 165; 74 Pac. 924) 1716, 1718, 1736, 1737  
**Oregon Imp. Co. v. Seattle Gas Co.** (4 Wash. 634; 30 Pac. 672) 479  
**Oregon Real Estate Co. v. Portland** (40 Oreg. 56; 66 Pac. 442) 232  
**Oregon S. Nav. Co. v. Portland** (2 Oreg. 81) 2399  
**O'Reilley v. Kingston** (114 N. Y. 439; 21 N. E. 1004) 2497, 2528, 2538, 2593  
**O'Reilly v. Long Island R. Co.** (4 N. Y. App. Div. 139; 38 N. Y. Supp. 779) 1860  
 — **v. New York Elev. R. Co.** (148 N. Y. 347; 42 N. E. 1063) 2049  
 — **v. Syracuse** (49 N. Y. App. Div. 538; 63 N. Y. Supp. 520) 2961  
**Orleans County v. Bowen** (4 Lans. [N. Y.] 24) 1239, 2809  
**Orena v. Santa Barbara** (91 Cal. 621; 28 Pac. 268) 1896  
**Orford Union Cong. Soc. v. West Cong. Soc.** (55 N. H. 463) 1569  
**Oridge v. Sherborne** (11 M. & W. 374) 1350  
**Orient Ins. Co. v. Daggs** (172 U. S. 557, aff'g 136 Mo. 382; 38 S. W. 85) 2353  
**Original Hartlepool Collieries Co. v. Gibb** (L. R. 5 Ch. Div. 713) 1858  
**Orleans v. Platt** (99 U. S. 676) 1402, 1420, 1461, 1463, 1491  
**Orman v. People** (18 Colo. App. 302; 71 Pac. 430) 2659  
 — **v. Pueblo** (8 Colo. 292; 6 Pac. 931) 682  
**Orme v. Richmond** (79 Va. 86) 2903, 2963, 2965  
**Ormsby v. Jamison** (9 Ky. Law Rep. 325) 2580  
 — **v. Louisville** (79 Ky. 197) 947  
**O'Rourke v. Philadelphia** (211 Pa. 79; 60 Atl. 499) 1229  
 — **v. Sioux Falls** (4 So. Dak. 47; 54 N. W. 1044; 19 L. R. A. 789; 46 Am. St. Rep. 760) 2841, 2880, 2884, 2979  
**Oroville & V. R. Co. v. Plumas County** (37 Cal. 354) 129, 443, 2711  
**Orr v. Baker** (4 Ind. 86) 2446  
 — **v. Lawrence County** (75 Mo. 246) 658  
 — **v. New York** (64 Barb. [N. Y.] 106) 1320  
 — **v. Omaha** ([Neb.], 90 N. W. 301) 2596  
**Orth v. Milwaukee** (59 Wis. 336; 18 N. W. 10) 2903  
 — **v. Park** (117 Ky. 779; 79 S. W. 206; 80 S. W. 1108; 81 S. W. 251) 2595  
**Orton v. State** (12 Wis. 509) 1245  
**Orvil Tp. v. Woodcliff** (61 N. J. L. 107; 38 Atl. 685) 630  
**Orvis v. Board of Park Com'rs** (88 Iowa, 674; 56 N. W. 294; 45 Am. St. Rep. 252) 347  
**Osawatomie v. Miami County** (78 Kan. 270; 96 Pac. 670) 1920, 2481  
**Osborn v. Bank of United States** (9 Wheat. [U. S.] 738) 91, 2321  
 — **v. Danvers** (6 Pick. [Mass.] 98) 2827  
 — **v. People** (103 Ill. 224) 2736  
**Osborne v. Adams County** (106 U. S. 181; s. c. 109 U. S. 1) 1364  
 — **v. Adams County** (7 Fed. Rep. 441) 2678  
 — **v. Auburn Tel. Co.** (189 N. Y. 393; 82 N. E. 428, rev'g 111 N. Y. App. Div. 702; 97 N. Y. Supp. 874) 1098, 1928, 1929, 1930  
 — **v. Detroit** (32 Fed. Rep. 36) 1599, 2882, 3017  
 — **v. Florida** (164 U. S. 650, aff'g 33 Fla. 162; 14 So. 588) 2331, 2332, 2342, 2343, 2344, 2524  
 — **v. Hamilton** (29 Kan. 1) 3000  
 — **v. Missouri Pac. R. Co.** (147 U. S. 248) 2019, 2020, 2021  
 — **v. Mobile** (44 Ala. 493) 2396, 2468  
 — **v. San Diego Land & Town Co.** (178 U. S. 22) 2234  
 — **v. State** (128 Ind. 129; 27 N. E. 345) 728  
 — **v. Tunis** (25 N. J. L. 633) 1598  
**Osburn v. Lyons** (104 Iowa, 160; 73 N. W. 650) 1214, 1219, 1261  
**Osgood v. Blackmore** (59 Ill. 261) 2611  
 — **v. Boston** (165 Mass. 281; 43 N. E. 108) 1155  
 — **v. Clark** (26 N. H. 307) 615  
 — **v. Green** (33 N. H. 318) 567  
 — **v. Manhattan Co.** (3 Cow. [N. Y.] 612; 15 Am. Dec. 304) 889  
**O'Shaughnessey v. Middleport** (93 N. Y. App. Div. 93; 86 N. Y. Supp. 944) 2966



[References are to pages]

- Oshkosh v. Milwaukee & L. W. R. Co.* (74 Wis. 534; 43 N. W. 489; 17 Am. St. Rep. 175) 2082
- *v. State* (59 Wis. 425; 18 N. W. 324) 2793, 2798
- Oshkosh City R. Co. v. Winnebago County* (89 Wis. 435; 61 N. W. 1107) 2566, 2573, 2593
- Oshkosh Waterworks Co. v. Oshkosh* (187 U. S. 437, aff'g 109 Wis. 208; 85 N. W. 376; 95 Am. St. Rep. 870) 2823
- *v. Oshkosh* (106 Wis. 83; 81 N. W. 1040) 2822
- Oskaloosa v. Oskaloosa Traction & L. Co.* (141 Iowa, 236; 119 N. W. 736) 2591
- Oskamp v. Lewis* (103 Fed. Rep. 906) 2369
- Osmond v. Matteson* (62 Neb. 512; 87 N. W. 311) 623
- *v. Smathers* (62 Neb. 509; 87 N. W. 310) 623
- Oster v. Jefferson* (57 Mo. App. 485) 1252
- Osterheldt v. Philadelphia* (195 Pa. 355; 45 Atl. 923) 1719, 1738, 1806
- Osterhoudt v. Rigney* (98 N. Y. 222) 1297, 1316, 2762, 2776, 2777, 2779, 2780
- Ostrom v. San Antonio* (77 Tex. 345; 14 S. W. 66) 1900
- *v. San Antonio* (94 Tex. 523; 62 S. W. 909) 2900
- *v. San Antonio* ([Tex. Civ. App.], 60 S. W. 591) 2896
- Ostrum v. San Antonio* ([Tex. Civ. App.], 71 S. W. 304) 2829
- O'Sullivan v. City* (49 La. An. 616; 21 So. 854) 739
- Oswald v. Genet* (15 Tex. 118) 1722
- *v. Genet* (22 Tex. 94) 1719
- *v. Gosnell* ([Ky.], 21 Ky. Law Rep. 1660; 56 S. W. 165) 906
- *v. Thedinga* (17 Iowa, 13) 777
- Oswego v. Oswego Canal Co.* (6 N. Y. 257) 1718, 1728
- Oswego Bank v. Oswego* (12 Wend. [N. Y.] 544) 2423
- Oswego City Sav. Bank v. Board of Education* (35 N. Y. Misc. 540; 72 N. Y. Supp. 15; s. c. 70 N. Y. App. Div. 538; 75 N. Y. Supp. 417; 174 N. Y. 515; 66 N. E. 1113) 1400, 1540
- Oswego County Sav. Bank v. Genoa* (66 N. Y. App. Div. 330; 72 N. Y. Supp. 786, aff'd 172 N. Y. 635; 65 N. E. 1120) 1480, 1513, 1527, 1528
- Oswego First Nat. Bank v. Walcott* (7 Fed. Rep. 892) 1420
- Otis v. Janesville* (47 Wis. 422; 2 N. W. 783) 3003
- *v. Stockton* (76 Me. 506) 1190
- Otoe County v. Baldwin* (111 U. S. 1) 136, 232, 1463, 1524, 1525
- O'Toole v. Stewart* (75 N. Y. App. Div. 497; 78 N. Y. Supp. 473) 807
- Ott v. Buffalo* (131 N. Y. 594; 30 N. E. 67) 2965, 3004
- *v. State* (78 Miss. 487; 29 So. 520) 665, 836
- Ottawa v. Black* (10 Kan. App. 439; 61 Pac. 985) 3001
- *v. Carey* (108 U. S. 110) 449, 528, 544, 581, 1358, 1365, 1480, 2390
- *v. Chicago & R. I. R. Co.* (25 Ill. 43) 2610, 2795
- *v. County* (12 Ill. 339) 446
- *v. Hayne* (114 Ill. App. 21, aff'd 214 Ill. 45; 73 N. E. 385) 3000, 3018
- *v. Macey* (20 Ill. 413) 2609
- *v. McCreery* (10 Kan. App. 443; 61 Pac. 986) 1767
- *v. People* (48 Ill. 233) 137, 466, 2649, 2656, 2661, 2708, 2709
- *v. Portsmouth National Bank* (105 U. S. 342) 1295, 1350, 1358, 1420, 1484, 1506
- *v. Spencer* (40 Ill. 211; s. c. 36 Ill. 211) 1665, 2401, 2503, 2544, 2574
- *v. Sweely* (65 Ill. 434) 3005
- *v. Walker* (21 Ill. 605; 71 Am. Dec. 121) 1798, 1799, 1802
- Ottawa County v. Nelson* (19 Kan. 234; 27 Am. Rep. 101) 2377, 2378, 2470, 2502
- Ottawa Dist. Council v. Low* (6 Can. Q. B. o. s. 546) 2809
- Ottawa Glass Co. v. McCaleb* (81 Ill. 556) 2424
- Ottawa Municipal Election, In re* (26 Ontario Rep. 196) 644
- Ottendorfer v. Agnew* (13 Daly, 16) 2781
- Ottenot v. New York, L. & W. R. Co.* (119 N. Y. 603; 23 N. E. 169) 2045
- Ottinger v. New York Elev. R. Co.* (17 N. Y. Supp. 912) 2048
- Otto v. Wolf* (106 Pa. St. 608) 2998
- Ottumwa v. City Water Supply Co.* (119 Fed. Rep. 315) 372, 376, 2772
- *v. Parks* (43 Iowa, 119) 3028, 3029, 3032, 3033
- *v. Zekind* (95 Iowa, 622; 64 N. W. 646; 58 Am. St. Rep. 447) 931, 996, 1004, 2462
- Ottumwa Brick & Const. Co. v. Ainley* (109 Iowa, 386; 80 N. W. 510) 2451, 2455, 2577



## TABLE OF CASES CITED

305

[References are to pages]

- Ouachita County v. Wolcott* (103 U. S. 559) 1295, 1308  
*Ouachita Par. Pol. Jury v. Monroe* (37 La. An. 641) 1155  
 — *v. Monroe* (38 La. An. 630) 1239  
*Ouachita Packet Co. v. Aiken* (121 U. S. 444) 475  
*Oubre v. Donaldsonville* (33 La. An. 386) 419, 1179, 1325  
*Ouimette v. Chicago* (242 Ill. 501; 90 N. E. 300) 2815, 2820  
*Ould v. Richmond* (23 Gratt. [Va.] 464; 14 Am. Rep. 139) 2404, 2463, 2464, 2469, 2475  
*Ouray v. Corson* (14 Colo. App. 345; 59 Pac. 876) 1023, 1025  
*Outwater v. Corlstadt* (66 N. J. L. 510; 49 Atl. 533) 846  
*Ouverson v. Grafton* (5 N. Dak. 281; 65 N. W. 676) 2977  
*Over v. Greenfield* (107 Ind. 231; 5 N. E. 872) 631, 1172  
*Overacre v. Garrett* (5 Lans. [N. Y.] 156) 683  
*Overall v. Madisonville* (125 Ky. 684; 102 S. W. 278; 12 L. R. A. N. s. 433) 416, 2114, 2120, 2130  
*Overing v. Foote* (43 N. Y. 290) 2441  
 — *v. Foote* (65 N. Y. 263) 2638  
*Overland Machinery Co. v. Alpenfels* (30 Colo. 163; 69 Pac. 574) 1846  
*Overman v. May* (35 Iowa, 89) 1710, 1816, 1817, 1819  
*Overseers of Poor of Boston v. Sears* (22 Pick. [Mass.] 122) 25, 96, 119  
*Overseers of Poor of Gibson Tp. v. Overseers, &c. Nicholson Tp.* (2 Serg. & Rawle [Pa.] 422) 628  
*Overseers of Poor of Norwich v. Overseers, etc., New Berlin* (18 Johns. [N. Y.] 382) 628  
 — *v. Overseers, &c. of Pharsalia* (15 N. Y. 341) 1156  
*Overstreet, Ex parte* (39 Tex. Crim Rep. 474; 46 S. W. 825) 2470  
*Overton v. Vicksburg* (70 Miss. 558; 13 So. 226) 2326, 2329  
*Owen v. Baer* (154 Mo. 434; 55 S. W. 644) 293  
 — *v. Brookport* (208 Ill. 35; 69 N. E. 952) 1687, 1688, 1690, 1699, 1716, 1718, 1725, 1741, 1893  
 — *v. Fort Dodge* (98 Iowa, 281; 67 N. W. 281) 2820, 3019  
 — *v. Hill* (67 Mich. 43; 34 N. W. 649) 775, 1269  
 — *v. Moreland* (132 Mich. 477; 93 N. W. 1068) 2662  
 — *v. Sioux City* (91 Iowa, 190; 59 N. W. 3) 278, 280, 284  
*Owen v. Smith* (31 Barb. [N. Y.] 641) 593, 601  
*Owen County v. Spangler* (159 Ind. 575; 65 N. E. 743) 286, 333, 2768  
*Owens v. Fury* (55 N. J. L. 1; 25 Atl. 934) 283, 284  
 — *v. Heyenfolt* ([Cal.], 6 Pac. 423) 2633  
 — *v. Lancaster* (182 Pa. 257; 37 Atl. 858) 3037  
 — *v. Milwaukee* (47 Wis. 461; 3 N. W. 3) 2931  
*Owensboro v. Commonwealth* (105 Ky. 344; 49 S. W. 320) 2435  
 — *v. Hope* (128 Ky. 524; 108 S. W. 873) 1786, 1813  
 — *v. Knox* (116 Ky. 451; 76 S. W. 191) 2135  
 — *v. Muster* ([Ky.], 23 Ky. Law Rep. 1164; 64 S. W. 840) 1705  
 — *v. Owensboro Waterworks Co.* (191 U. S. 358) 2231, 2243, 2246  
 — *v. Sparks* (99 Ky. 351; 36 S. W. 4) 1111  
 — *v. Weir* (95 Ky. 158; 24 S. W. 115) 1244  
*Owensboro Water Co. v. Duncan's Adm'x* ([Ky.], 32 S. W. 478) 2305, 2306  
*Owensboro Waterworks Co. v. Owensboro* (200 U. S. 38) 2150, 2246  
*Owings v. Speed* (5 Wheat. [U. S.] 420) 442, 888  
*Owners of Ground v. Albany* (15 Wend. [N. Y.] 374) 1746, 2590  
*Owners of Land v. People* (113 Ill. 296) 109, 242, 2389  
*Oxanna v. Allen* (90 Ala. 468; 8 So. 79) 925, 929  
*Oxby v. Kalkaska & Antrim Counties* (124 Mich. 463; 83 N. W. 132) 2661  
*Oxford v. Richmond Union Bank* (96 Fed. Rep. 293) 1480, 1531  
 — *v. Willoughby* (181 N. Y. 155; 73 N. E. 677, aff'g 87 N. Y. App. Div. 609; 83 N. Y. Supp. 1118) 1786  
*Oxford Bank v. Wheeler* (72 N. Y. 201) 2813  
*Oxford Township v. Columbia* (38 Ohio St. 87) 1891  
*Oxford's Case* (10 Co. 87b) 609  
*Oyster Steamers of Maryland* (31 Fed. Rep. 763) 1588  
*Ozark Bell Tel. Co. v. Springfield* (140 Fed. Rep. 666) 991, 2259  
*Pabst Brewing Co. v. Crenshaw* (198 U. S. 17) 2352  
 — *v. Oakley* (115 N. Y. App. Div. 215; 100 N. Y. Supp. 794) 2218

[References are to pages]

- Pacific v. Seifert* (79 Mo. 210) 985  
*Pacific Coast S. S. Co. v. Kimball* (114 Cal. 414; 46 Pac. 275) 505  
*Pacific Express Co. v. Seibert* (142 U. S. 339) 2331, 2342, 2344, 2465, 2467  
*Pacific Gas Imp. Co. v. Ellert* (64 Fed. Rep. 421) 475, 492, 501, 1705  
*Pacific Hotel Co. v. Lieb* (83 Ill. 602) 2424  
*Pacific Imp. Co. v. Clarksdale* (74 Fed. Rep. 528) 530, 531, 542, 645, 1509, 1547  
*Pacific Junction v. Dyer* (64 Iowa, 38; 19 N. W. 862) 318, 930, 931  
*Pacific Postal Tel. Cable Co. v. Irwin* (49 Fed. Rep. 113) 1928  
*Pacific R. Co. v. Cass County* (53 Mo. 17) 2424, 2444  
—— *v. Chrystal* (25 Mo. 544) 1682  
—— *v. Leavenworth* (1 Dillon C. C. R. 393) 1771, 1952, 1953, 1960, 1972, 1979  
—— *v. Lincoln County* (1 Dillon C. C. 314) 91  
—— *v. Price* (23 Mo. 353; 66 Am. Dec. 673) 905, 2660  
—— *v. Seely* (45 Mo. 212; 100 Am. Dec. 369) 1557  
*Pacific Sheet Metal Works v. Roeder* (26 Wash. 183; 66 Pac. 428) 612, 614  
*Pacific Steamship Co. v. Kimball* (114 Cal. 414; 46 Pac. 275) 478  
*Pacific Undertakers v. Widber* (113 Cal. 201; 45 Pac. 273) 416  
*Pack v. New York* (8 N. Y. 222) 3025, 3026, 3027  
*Packard v. Bergen Neck R. Co.* (48 N. J. Eq. 281; 22 Atl. 227) 897  
—— *v. Hayes* (94 Md. 233; 51 Atl. 32) 1170, 1192, 1212, 1213, 2763, 2769, 2771  
—— *v. New Bedford* (9 Allen [Mass.] 200) 2963, 2978  
—— *v. Tisdale* (50 Me. 376) 2479  
*Packer v. Bird* (71 Cal. 134; 11 Pac. 873) 492  
*Packet Co. v. Atlee* (2 Dillon C. C. R. 479; s. c. 21 Wall. [U. S.] 389) 475, 490  
—— *v. Catlettsburg* (105 U. S. 559) 475  
—— *v. Keokuk* (95 U. S. 80) 474, 475, 513  
—— *v. St. Louis* (100 U. S. 423) 474, 475, 513  
—— *v. St. Louis* (4 Dillon, C. C. R. 10) 515  
—— *v. St. Paul* (3 Dillon C. C. R. 454) 476  
*Packingham v. Harper* (66 Ill. App. 96) 725  
*Packwood v. Kittitas County* (15 Wash. 88; 45 Pac. 640; 55 Am. St. Rep. 875) 1386  
*Padavano v. Fagan* (66 N. J. L. 167; 48 Atl. 998) 1316  
*Paddell v. New York City* (211 U. S. 446, aff'g 187 N. Y. 552; 80 N. E. 1114) 2487  
*Padelford v. Eagle Grove* (117 Iowa, 616; 91 N. W. 899) 2998, 3020  
—— *v. Savannah* (14 Ga. 438) 2476  
*Padgett v. McAlhany* (53 S. Car. 139; 31 S. E. 58) 2675  
—— *v. Post* (106 Fed. Rep. 600) 2688  
*Paducah, In re* ([Ky.], 89 S. W. 302) 1208  
—— *v. Cully* (9 Bush [Ky.] 323) 681, 683  
—— *v. Johnson* ([Ky.], 93 S. W. 1035) 1730  
—— *v. Jones* (126 Ky. 809; 104 S. W. 971) 1020  
—— *v. Ragsdale* (122 Ky. 425; 92 S. W. 13) 909, 945, 959, 960  
*Paducah Lumber Co. v. Paducah Water Supply Co.* (89 Ky. 340; 12 S. W. 554; 13 S. W. 249; 25 Am. St. Rep. 536) 2305, 2306  
*Pagames v. Chicago* (111 Ill. App. 590) 1787, 1869, 1870  
*Page v. Allen* (58 Pa. St. 338; 98 Am. Dec. 272) 918, 2768  
—— *v. Baltimore* (34 Md. 558) 477, 918, 990  
—— *v. Chicago* (60 Ill. 441) 2404  
—— *v. Chicago, M. & St. P. Ry. Co.* (70 Ill. 324) 1684, 2929  
—— *v. Clopton* (30 Gratt. [Va.] 415) 2647  
—— *v. Frankfort* (9 Greenl. [Me.] 115) 564  
—— *v. Graham* (57 Ill. 144) 2314  
—— *v. Hardin* (8 B. Mon. [Ky.] 648) 792  
—— *v. Heineberg* (40 Vt. 81; 94 Am. Dec. 378) 1557, 1569  
—— *v. McClure* (79 Vt. 83; 64 Atl. 451) 2648  
—— *v. O'Toole* (144 Mass. 303; 10 N. E. 851) 1620  
—— *v. St. Louis* (20 Mo. 136) 458, 2447  
—— *v. State* (11 Ala. 849) 1012  
—— *v. Sumpter* (53 Wis. 652; 11 N. W. 60) 3004  
—— *v. Symonds* (63 N. H. 17; 56 Am. Rep. 481) 1032  
*Paige v. Fazackerly* (36 Barb. [N. Y.] 392) 1081, 1082  
—— *v. Schenectady R. Co.* (178 N. Y. 102; 70 N. E. 213, rev'g 84 N. Y. App. Div. 91; 82

## TABLE OF CASES CITED

307

[References are to pages]

- N. Y. Supp. 192) 1943, 1966,  
1967, 1969, 1970, 2001, 2007, 2013,  
2024
- Paine, *In re* (1 Hill [N. Y.] 665) 2672
- *v. Boston* (124 Mass. 486) 918
- *v. Calor Oil & Gas Co.* ([Ky.],  
103 S. W. 309) 1914
- *v. Delhi* (116 N. Y. 224; 22  
N. E. 405) 2748
- *v. Spratley* (5 Kan. 525) 135, 451,  
2483, 2484, 2485, 2574, 2576
- Paine Lumber Co. *v. Oshkosh* (89  
Wis. 449; 61 N. W. 1108) 1689,  
1744, 1903
- Painter *v. Norfolk* (62 Neb. 330;  
87 N. E. 31) 375
- *v. Pittsburgh* (46 Pa. St.  
213, 221) 2023, 3025, 3026
- *v. United States* (6 Ind. Ter.  
505; 98 S. W. 352) 2728
- Palatine *v. Kreuger* (121 Ill. 72;  
12 N. E. 75) 1802, 1817, 1826
- Palatka & I. R. Co. *v. State* (23  
Fla. 546; 3 So. 158; 11 Am.  
St. Rep. 395) 1982, 2076
- Palatka Waterworks *v. Palatka*  
(127 Fed. Rep. 161) 610, 2252
- Palen *v. Ocean City* (64 N. J. L.  
669; 46 Atl. 774) 1757
- Palestine *v. Barnes* (50 Tex. 539) 1076
- *v. Hassell* (15 Tex. Civ. App.  
519; 40 S. W. 147) 3000, 3020
- *v. Siler* (225 Ill. 630; 80 N. E.  
345; 8 L. R. A. N. s. 205; s. c.  
128 Ill. App. 309) 2121, 2135, 2911
- *v. West* ([Tex. Civ. App.], 37  
S. W. 783) 734, 735
- Palestine Water & Power Co. *v.*  
Palestine (91 Tex. 540; 44 S.  
W. 814, aff'g [Tex. Civ. App.],  
41 S. W. 659) 2178, 2180, 2181
- Pallister *v. Gravesend* (9 C. B.  
744) 524, 630
- Palmer *v. Andover* (2 Cush.  
[Mass.] 600) 2963, 2970, 2971
- *v. Bate* (2 Brod. & Bing. 673) 743
- *v. Benjamin* (21 N. Y. App.  
Div. 180; 47 N. Y. Supp. 433) 739
- *v. Board of Education* (47 N.  
Y. App. Div. 547; 62 N. Y.  
485) 823, 2748
- *v. Burnham* (120 Cal. 364;  
52 Pac. 664, 1080) 2634
- *v. Carroll* (24 N. H. 314) 762
- *v. Clinton* (52 Ill. App. 67) 1731
- *v. Danville* (154 Ill. 156; 38  
N. E. 1067) 2546, 2549, 2556, 2562,  
2613
- *v. Danville* (166 Ill. 42; 46  
N. E. 629) 125, 2534, 2550, 2551
- *v. East River Gas Co.* (115  
N. Y. App. Div. 677; 101 N.  
Y. Supp. 347) 1724, 1725, 1730
- Palmer *v. Helena* (19 Mont. 61; 47  
Pac. 209) 380, 382, 437
- *v. Hickory Grove Cemetery*  
(84 N. Y. App. Div. 600; 82  
N. Y. Supp. 973) 642
- *v. Hicks* (6 Johns. [N. Y.] 133)  
497, 613
- *v. Jones* (188 Mo. 163; 85  
S. W. 1113) 1888
- *v. Jones* ([C. A.], 2 Ont. Law  
Rep. 632) 1697
- *v. Larchmont El. L. Co.* (158  
N. Y. 231; 52 N. E. 1092; 43  
L. R. A. 672, rev'g 6 N. Y. App.  
Div. 12; 39 N. Y. Supp. 522) 1799,  
1826, 1827, 1912, 1913,  
1914, 1930
- *v. Lincoln* (5 Neb. 136; 25  
Am. Rep. 470) 3027
- *v. McMahon* (133 U. S. 660) 2363,  
2366, 2477
- *v. New York* (2 Sandf. [N.  
Y.] 318) 739, 740, 741
- *v. Nolting* (13 Ind. App. 581;  
41 N. E. 1045) 2487, 2584
- *v. Palmer* (150 N. Y. 139;  
44 N. E. 966; 55 Am. St. Rep.  
653) 1724
- *v. Portsmouth* (43 N. H. 265) 2963
- *v. Poultney* (2 Salk. 458) 1037
- *v. St. Albans* (56 Vt. 522) 3012
- *v. Strumpf* (27 Ind. 329) 1249,  
2565
- *v. Syracuse* (26 N. Y. Misc.  
561; 57 N. Y. Supp. 600) 2830, 2831
- *v. Way* (6 Colo. 106) 2504, 2563,  
2566
- Palmyra *v. Morton* (25 Mo. 593)  
964, 1649, 1665, 2488, 2493, 2563,  
2610
- *v. Pennsylvania R. Co.* (63  
N. J. Eq. 799; 52 Atl. 1132) 150
- Palomares Land Co. *v. Los An-  
geles County* (146 Cal. 530; 80  
Pac. 931) 2829, 2835
- Pana *v. Bowler* (107 U. S. 529) 1349,  
1398, 1402, 1413, 1426, 1438, 1453,  
1461, 1475, 1490, 1545
- Pangborn *v. Westlake* (36 Iowa,  
546) 1687
- Panton *v. Duluth Gas & Water Co.*  
(50 Minn. 175; 52 N. W. 527;  
36 Am. St. Rep. 635) 2210, 2222
- Paola & F. R. R. Co. *v. Anderson*  
County (16 Kan. 302) 825, 864, 865
- Pappenheim *v. Metropolitan Elev.  
R. Co.* (128 N. Y. 436; 28 N.  
E. 518; 26 Am. St. Rep. 486) 1776,  
2040, 2045, 2048
- Papworth *v. Milwaukee* (64 Wis.  
389; 25 N. W. 431) 1872, 3032
- Paralee *v. Camden* (49 Ark. 165;  
4 S. W. 654; 4 Am. St. Rep. 35) 1042

[References are to pages]

- Pardee v. Perth Amboy* (57 N. J. L. 106; 29 Atl. 587) 2537  
*Pardey v. Mechanicsville* (101 Iowa, 266; 70 N. W. 189) 2816  
*Paret v. Bayonne* (40 N. J. L. 333) 1250, 1661  
*Parfitt v. Furguson* (159 N. Y. 111; 53 N. E. 707, aff'g 3 N. Y. App. Div. 176; 38 N. Y. Supp. 466) 1917, 2163, 2776, 2781  
*Paris v. Allred* (17 Tex. Civ. App. 125; 43 S. W. 62) 3057  
—— *v. Graham* (33 Mo. 94) 926  
—— *v. Jenkins* ([Tex. Civ. App.], 122 S. W. 411) 2900  
—— *v. People* (27 Ill. 74) 773, 2803  
—— *v. Sturgeon* (50 Tex. Civ. App. 519; 110 S. W. 459) 2121  
—— *v. Tucker* (101 Tex. 99; 104 S. W. 1046) 1667  
*Paris Elect. L. & R. Co. v. Southwestern Tel. Co.* ([Tex. Civ. App.], 27 S. W. 902) 1987  
*Paris Tp. Trs. v. Cherry* (8 Ohio St. 564) 128, 1170, 1180, 1297  
*Parish v. Baird* (160 N. Y. 302; 54 N. E. 724, aff'g 19 N. Y. App. Div. 629; 45 N. Y. Supp. 1145) 1873, 1874  
—— *v. Eden* (62 Wis. 272; 22 N. W. 399) 3000  
*Park v. Candler* (113 Ga. 647; 39 S. E. 89) 2710  
—— *v. Orth* ([Ky.], 73 S. W. 1015) 1798  
—— *v. Sykes* (67 Minn. 153; 69 N. W. 712) 1267  
*Park Ave. Sewers* (169 Pa. 433; 32 Atl. 574) 2560, 2616  
*Park Bank v. Watson* (42 N. Y. 490; 1 Am. Rep. 573) 1352  
*Park Commissioners v. Detroit* (29 Mich. 343) 163  
—— *v. Tel. Co.* (103 Ill. 33) 199  
*Park Ridge v. Robinson* (198 Ill. 571; 65 N. E. 104) 1250, 1258  
*Parke County v. O'Conner* (86 Ind. 531) 1588  
*Parker, Re* (120 U. S. 736) 2646, 2659  
—— *v. Boston* (175 Mass. 501; 56 N. E. 569) 3019  
—— *v. Burton* (172 Mo. 85; 72 S. W. 663) 441  
—— *v. Catholic Bishop* (146 Ill. 158; 34 N. E. 473) 1663, 1839, 1845, 2018  
—— *v. Commonwealth* (178 Mass. 199; 59 N. E. 634) 1062  
—— *v. Commonwealth* (6 Pa. St. 507; 47 Am. Dec. 480) 128  
—— *v. Concord* (71 N. H. 468; 52 Atl. 1095) 77, 459  
—— *v. Dakota County* (4 Minn. 59) 746  
*Parker v. Elmira C. & N. R. Co.* (165 N. Y. 274; 59 N. E. 81) 1984, 2273  
—— *v. Great Western R. Co.* (7 M. & G. 253) 2830  
—— *v. Green* (2 B. & S. 299) 1129  
—— *v. Jeffery* (26 Oreg. 186; 37 Pac. 712) 1265, 1266, 1271  
—— *v. LaGrange* (171 Ill. 344; 49 N. E. 550) 2623  
—— *v. Laredo* (9 Tex. Civ. App. 221; 28 S. W. 1048) 3052, 3055  
—— *v. Lowell* (11 Gray [Mass.] 353) 2916, 3037, 3054  
—— *v. Macon* (39 Ga. 725) 1043, 2989, 3029, 3032  
—— *v. Metropolitan R. Co.* (109 Mass. 506) 2226  
—— *v. Nashua* (59 N. H. 402) 2861, 3052  
—— *v. Newark* (57 N. J. L. 83; 30 Atl. 186) 296, 297  
—— *v. New Brunswick* (30 N. J. L. 395; s. c. 32 N. L. J. 548) 461, 1800  
—— *v. North British & M. Ins. Co.* (42 La. An. 428; 7 So. 599) 2379  
—— *v. Portland* (54 Mich. 308; 20 N. W. 55) 2658  
—— *v. Rutland* (56 Vt. 224) 2957  
—— *v. St. Paul* (47 Minn. 317; 50 N. W. 247) 1763  
—— *v. Saratoga County* (106 N. Y. 392) 534  
—— *v. Strauss* (49 La. An. 1173; 22 So. 329) 2415  
—— *v. Sun Ins. Co.* (42 La. An. 1172; 8 So. 618) 2379, 2440  
—— *v. Syracuse* (31 N. Y. 376) 1278  
—— *v. Taylor* (7 Oreg. 435, 446) 494  
—— *v. Williamsburg* (13 How. Pr. [N. Y.] 250) 1246  
—— *v. Zeisler* (73 Mo. App. 537) 618, 621  
*Parker-Washington Co. v. Kansas City* (73 Kan. 722; 85 Pac. 781) 277, 280, 310  
*Parkers v. Rogers* (8 Oreg. 183) 494  
*Parkersburg v. Brown* (106 U. S. 487) 1364, 1420, 1531, 1550, 1551, 2312, 2456  
—— *v. Tavenner* (42 W. Va. 486; 26 S. E. 179) 2315, 2493, 2503, 2529, 2617  
*Parkersburg Gas Co. v. Parkersburg* (30 W. Va. 435; 4 S. E. 650) 450, 1917, 1922, 2142, 2158, 2159  
*Parkhill v. Brighton* (61 Iowa, 103; 15 N. W. 853) 3002, 3003  
*Parkinson v. Seattle School Dist.* (28 Wash. 335; 68 Pac. 875) 1399  
*Parkland v. Gaines* (88 Ky. 562; 11 S. W. 649) 2428, 2555

## TABLE OF CASES CITED

309

[References are to pages]

- Parks v. Boston* (8 Pick. [Mass.] 218; 19 Am. Dec. 322) 458, 1632, 1633, 1647, 1655, 2792, 2793, 2797, 2798
- *v. Bryant* (142 Ala. 627; 38 So. 180) 764
- *v. Greenville* (44 S. Car. 168; 21 S. E. 540) 767, 2838, 2876
- *v. Hays* (11 Colo. App. 415; 53 Pac. 893) 1305, 2677, 2725
- *v. Newburyport* (10 Gray [Mass.] 28) 3041
- *v. New York* (111 N. Y. App. Div. 836; 98 N. Y. Supp. 94, aff'd 187 N. Y. 555; 80 N. E. 1115) 2982
- *v. Northwestern University* (218 Ill. 381; 75 N. E. 991) 2897
- *v. State* (100 Ala. 634; 13 So. 756) 2730
- *v. Wyandotte County* (61 Fed. Rep. 436) 2377
- Parlin v. Greenville* (127 Fed. Rep. 55) 1243
- Parmelee v. Chicago* (60 Ill. 267) 1413, 2547, 2551, 2585, 2591
- *v. Youngstown* (43 Ohio St. 162; 1 N. E. 319) 2496
- Parmenter v. Marion* (113 Iowa, 297; 85 N. W. 90) 2960, 3019
- Parmeter v. Attorney General* (10 Price, 412) 497
- Parmley v. St. L., I. M. & S. R. Co.* (3 Dillon C. C. R. 25) 2766
- Parnaby v. Lancashire Canal Co.* (11 A. & E. 223) 516, 2853
- Parr v. Attorney-General* (8 Cl. & F. 409) 650, 1135, 2757
- *v. Greenbush* (72 N. Y. 463) 1175, 1185
- Parriott v. Hampton* (134 Iowa, 157; 111 N. W. 440) 1687, 1730, 1735
- Parrish v. Huntington* (57 W. Va. 286; 50 S. E. 416) 2972, 2999
- Parrott v. Bridgeport* (44 Conn. 180; 26 Am. Rep. 439) 2651
- Parrotte v. Omaha* (61 Neb. 96; 84 N. W. 602) 2455
- Parry v. Berry* (Comyns, 269) 839
- Parsel v. Barnes* (25 Ark. 261) 1153, 1308
- Parsons v. Atlanta Univ. Trs.* (44 Ga. 529) 1717, 1727, 1731, 1790, 1792
- *v. Bethnal Green* (17 L. T. N. s. 211) 3054
- *v. Brainard* (17 Wend. [N. Y.] 522) 834
- *v. Columbus* (50 Ohio St. 460; 34 N. E. 677) 250, 280, 1808
- *v. District of Columbia* (170 U. S. 45) 2224, 2360, 2366, 2493, 2497, 2520, 2523, 2537
- Parsons v. Durand* (150 Ind. 203; 49 N. E. 1047) 2731
- *v. Goshen* (11 Pick. [Mass.] 396) 75, 76, 1180
- *v. Lindsay* (26 Kan. 426) 3005
- *v. Manchester* (67 N. H. 163; 27 Atl. 88) 3020
- *v. Monmouth* (70 Me. 262) 1188, 1295, 1302, 1340, 2823
- *v. New York City* (107 N. Y. App. Div. 324; 95 N. Y. Supp. 131, aff'd 184 N. Y. 604; 77 N. E. 1192) 1807
- *v. Northampton* (154 Mass. 410; 28 N. E. 350) 2774
- *v. People* (32 Colo. 221; 76 Pac. 666) 2470
- *v. St. Matthews Vestry* (L. R. 3 C. P. 56) 2917
- *v. Van Wyck* (56 N. Y. App. Div. 329; 67 N. Y. Supp. 1054) 2100, 2313
- *v. Waterville & O. St. R. Co.* (101 Me. 173; 63 Atl. 728) 2006
- Pasadena v. Stimson* (91 Cal. 238; 27 Pac. 604) 260, 278, 280, 282, 315, 1621, 1636, 1640
- Passaic, In re* (54 N. J. L. 156; 23 Atl. 517) 283
- *v. Delaware, L. & W. R. Co.* (37 N. J. L. 538; s. c. 37 N. J. L. 137) 2506, 2537
- *v. Paterson Bill Posting, etc.* Co. (72 N. J. L. 285; 62 Atl. 267; 111 Am. St. Rep. 676, rev'g 71 N. J. L. 75; 58 Atl. 343) 1058, 1064, 1067, 1068
- Passaic Br. Prop. v. Hoboken Land & Imp. Co.* (13 N. J. Eq. 503) 2852
- Passaic Water Co. v. Patterson* (65 N. J. L. 472; 47 Atl. 462) 2144
- Passenger Cases* (7 How. [U. S.] 283) 2337
- Paston v. Urber* (Hutt. 103) 787
- Patch v. Covington* (17 B. Mon. [Ky.] 722; 66 Am. Dec. 186) 2301
- Pate v. Jonesboro* (75 Ark. 276; 87 S. W. 437; 112 Am. St. Rep. 55) 1019
- Paterson v. Barnet* (46 N. J. L. 62) 897, 901
- *v. Erie R. Co.* (78 N. J. L. 592; 75 Atl. 922) 2894
- *v. Society for Establishing Useful Manufactures* (24 N. J. L. 385) 127, 128, 130, 143, 145, 616, 2510, 2574, 2575
- Paterson & H. R. R. Co. v. Passaic* (54 N. J. L. 340; 23 Atl. 945) 2590
- Paterson & P. H. R. Co. v. Paterson* (24 N. J. Eq. 158) 917, 1933, 1972, 2002



[References are to pages]

- Paterson & R. R. Co. *v.* Paterson  
 (72 N. J. L. 112; 60 Atl. 47) 1614  
 Paterson & S. L. Traction Co. *v.*  
 Wostbrock ([N. J.], 56 Atl.  
 698) 1965, 1968  
 Paterson Ave. & S. Road Com'rs  
*v.* Hudson County (45 N. J. L.  
 173) 2635  
 Paterson Chronicle Co. *v.* Pater-  
 son (66 N. J. L. 129; 48 Atl.  
 589) 212, 1215  
 Paterson Gas Light Co. *v.* Brady  
 (27 N. J. L. 245; 72 Am. Dec.  
 360) 2205  
 Paterson, N. & N. Y. R. Co. *v.*  
 Nutley (72 N. J. L. 123; 59  
 Atl. 1032) 1617  
 Paterson R. Co. *v.* Grundy (51 N.  
 J. Eq. 213; 26 Atl. 788) 2007  
 Patoka *v.* Hopkins (131 Ind. 142;  
 30 N. E. 896; 31 Am. St. Rep.  
 417) 3043, 3052  
 Patrick *v.* Cross Roads Com'rs  
 (4 McCord [S. Car.] 540) 1622  
 — *v.* Kalamazoo Y. M. C. A.  
 (120 Mich. 185; 79 N. W. 208) 1699,  
 1755, 1763  
 Patterson, *Ex parte* (42 Tex. Crim.  
 Rep. 256; 58 S. W. 1011; 51  
 L. R. A. 654) 925, 926, 942, 1001,  
 1040, 1114  
 — *v.* Austin ([Tex. Civ. App.],  
 29 S. W. 1139) 3022  
 — *v.* Barber Asphalt Pav. Co.  
 (96 Minn. 9; 104 N. W. 566) 1214,  
 2763  
 — *v.* Barlow (60 Pa. St. 54) 639  
 — *v.* Baumer (43 Iowa, 477) 2600  
 — *v.* Bowes (4 Grant, 170) 669,  
 762, 2761, 2768  
 — *v.* Brooklyn (6 N. Y. App.  
 Div. 127; 40 N. Y. Supp. 581) 2815  
 — *v.* Cecil Tp. School Directors  
 (24 Pa. Co. Ct. R. 574) 2657  
 — *v.* Chicago, D. & V. R. Co.  
 (75 Ill. 588) 1663, 2018, 2019  
 — *v.* Duluth (21 Minn. 493) 1717,  
 1792  
 — *v.* Johnson (214 Ill. 481; 73  
 N. E. 761) 1104, 1106  
 — *v.* Macomb (179 Ill. 163; 53  
 N. E. 617) 2595  
 — *v.* Mississippi & R. Rivers  
 Boom Co. (3 Dillon C. C. 465,  
 aff'd 98 U. S. 403) 1604, 1620,  
 1677  
 — *v.* State ([Neb.], 89 N. W.  
 989) 1315  
 — *v.* Taylor (51 Fla. 275; 40  
 So. 493) 943  
 — *v.* Taylor (98 Ga. 646; 25  
 S. E. 771) 2661  
 — *v.* Temple (27 Ark. 202) 2372  
 Patterson *v.* Vail (42 Iowa, 143) 1097  
 Pattison *v.* Yuba Co. Supervisors  
 (13 Cal. 175) 346  
 Patton *v.* Chattanooga (108 Tenn.  
 197; 65 S. W. 414) 2167, 2768,  
 2781  
 — *v.* People (63 Ill. App. 617) 2665  
 — *v.* Rome (124 Ga. 525; 52  
 S. E. 742) 1835, 1837  
 — *v.* Springfield (99 Mass. 627) 2622  
 — *v.* Stephens (14 Bush [Ky.]  
 324) 551  
 Pauer *v.* Albrecht (72 Wis. 416;  
 39 N. W. 771) 1043, 1047  
 Paul, Matter of (94 N. Y. 497) 1069  
 — *v.* Carver (24 Pa. 207; 64  
 Am. Dec. 649) 1839  
 — *v.* Carver (26 Pa. St. 223;  
 67 Am. Dec. 413) 1719, 1836  
 — *v.* Detroit (32 Mich. 110) 1788  
 — *v.* Gloucester County (50 N.  
 J. Law, 585; 15 Atl. 272) 127, 284,  
 1003  
 — *v.* Kenosha (22 Wis. 266; 94  
 Am. Dec. 598) 408, 543, 1189,  
 1547, 1549, 2824  
 — *v.* Newark (6 Am. L. R. 576) 1683  
 — *v.* New York (46 N. Y. App.  
 Div. 69; 61 N. Y. Supp. 570) 2778,  
 2780  
 — *v.* Seattle (40 Wash. 294; 82  
 Pac. 601) 1170, 1191, 1194  
 — *v.* Virginia (8 Wall. [U. S.]  
 177) 2352, 2353  
 — *v.* Walkerton (150 Ind. 565;  
 50 N. E. 725) 615, 616, 618  
 — *v.* Washington (134 N. Car.  
 363; 47 S. E. 793; 65 L. R. A.  
 902) 1016, 1017, 1018, 1019  
 Pauley *v.* Steam Gauge & L. Co.  
 (131 N. Y. 90; 29 N. E. 999;  
 15 L. R. A. 194, rev'g 61 Hun  
 [N. Y.] 254; 16 N. Y. Supp.  
 820) 1071  
 Paulson *v.* Taylor (35 N. J. L.  
 184) 2425  
 Paulk *v.* Sycamore (104 Ga. 24;  
 30 S. E. 417; 41 L. R. A. 772;  
 96 Am. St. Rep. 128) 977  
 Paulsen *v.* Portland (149 U. S.  
 30) 2364, 2365, 2367, 2370, 2520  
 Pause *v.* Atlanta (98 Ga. 92; 26  
 S. E. 489; 58 Am. St. Rep.  
 290) 1607, 1611  
 Paving Co. *v.* Ullman (137 Mo. 543;  
 38 S. W. 458) 1214  
 Pawlet *v.* Clark (9 Cranch [U. S.]  
 292) 187, 1690, 1694, 1723  
 Paxson *v.* Sweet (16 N. J. Eq. 196) 978,  
 989, 1814, 2510  
 Paxton *v.* Bogardus (201 Ill. 628;  
 66 N. E. 853) 881, 893, 900, 1169,  
 1193



## TABLE OF CASES CITED

311

[References are to pages]

- Payne v. Brecon (3 H. & N. 572) 524,  
 630, 1233  
 — v. McKinley (54 Cal. 532) 1790,  
 2012  
 — v. School Dist. (87 Mo. App.  
 415) 2652  
 — v. South Springfield (161 Ill.  
 285; 44 N. E. 105) 2545, 2549,  
 2552, 2614, 2615, 2617  
 — v. Staunton (55 W. Va. 202;  
 46 S. E. 927) 2709  
 — v. Treadwell (16 Cal. 222) 1760  
 — v. United States (20 App.  
 D. C. 581) 2656  
 — v. Wright ([1892], L. R. 1 Q.  
 B. D. 104) 1106  
 Payson v. People (175 Ill. 267; 51  
 N. E. 588) 2608  
 Peabody v. Flint (6 Allen [Mass.]  
 52) 838  
 — v. Westerly Water Works  
 (20 R. I. 176; 37 Atl. 807) 2137  
 Peace v. McAdoo (110 N. Y. App.  
 Div. 13; 96 N. Y. Supp. 1039) 1001  
 Peachy v. Somerset (1 Str. 447) 961  
 Peagram v. Cleaveland County (64  
 N. Car. 557) 2675  
 — v. Cleveland County (65 N.  
 Car. 114) 2702, 2725  
 Peake v. New Orleans (139 U. S.  
 342) 1652  
 — v. Superior (106 Wis. 403;  
 82 N. W. 306) 2999  
 Peal v. Newark (66 N. J. L. 265;  
 49 Atl. 468) 668  
 Pearce, *Re* (44 Ark. 509) 2799  
 — v. Augusta (37 Ga. 597) 2476  
 — v. Chicago (67 Ill. App. 671,  
 aff'd 176 Ill. 152; 52 N. E. 27) 1653  
 — v. Madison & I. R. Co. (21  
 How. [U. S.] 441) 2810  
 — v. Milwaukee (18 Wis. 32) 2931  
 Peard v. Mt. Vernon (83 Hun [N.  
 Y.] 250; 31 N. Y. Supp. 395,  
 aff'd 158 N. Y. 681; 52 N. E.  
 1125) 2967  
 Pearl Street, *In re* (111 Pa. 565;  
 5 Atl. 430) 1716, 1719, 1720,  
 1738  
 Pearsall v. Eaton County (74  
 Mich. 558; 42 N. W. 77) 1841  
 — v. Post (20 Wend. [N. Y.]  
 111, aff'd 22 Wend. [N. Y.] 425) 1747,  
 1755, 1757  
 Pearson v. Allen (151 Mass. 79;  
 23 N. E. 731; 21 Am. St. Rep.  
 426) 1720, 1721  
 — v. Birmingham (155 Ala.  
 631; 47 So. 80) 1786  
 — v. Stephens (56 Ohio St. 126;  
 46 N. E. 511) 265, 324  
 — v. Wimbish (124 Ga. 701;  
 52 S. E. 751) 977, 1128  
 Pearson v. Zable (78 Ky. 170) 2526,  
 2929, 3024  
 Pease v. Cornish (19 Me. 191) 76,  
 1291, 1305  
 — v. Dayton (4 Ohio St. 80) 2993  
 Peat v. Norwalk (26 Ohio Cir. Ct.  
 R. 161) 3000, 3004  
 Peaty v. New York (33 N. Y. Misc.  
 231; 67 N. Y. Supp. 276) 2894  
 Peay v. Little Rock (32 Ark. 31) 1665,  
 2375, 2503, 2532  
 Peck v. Austin (2 Tex. 162) 2840  
 — v. Austin (22 Tex. 261) 1076  
 — v. Baraboo (141 Wis. 48;  
 122 N. W. 740) 3045, 3048, 3052  
 — v. Belknap (130 N. Y. 394;  
 29 N. E. 977, rev'g 55 Hun [N.  
 Y.] 91; 8 N. Y. Supp. 265) 640,  
 696, 697, 823, 2776, 2777  
 — v. Berrien County (102 Mich.  
 346; 60 N. W. 985) 862  
 — v. Booth (42 Conn. 271) 830  
 — v. Bridgeport (75 Conn. 417;  
 53 Atl. 893) 2609  
 — v. Elder (3 Sandf. [N. Y.] 126) 1790  
 — v. Ellsworth (36 Me. 393) 2957  
 — v. Fox Lake (28 Wis. 583) 2788  
 — v. Grand Rapids (125 Mich.  
 416; 84 N. W. 614) 1815  
 — v. Hempstead (27 Tex. Civ.  
 App. 80; 65 S. W. 653) 1456,  
 1485, 1531  
 — v. James (3 Head [Tenn.] 75) 764  
 — v. Jenness (7 How. [U. S.]  
 612) 1497  
 — v. Lockwood (5 Day [Conn.]  
 22) 934  
 — v. Michigan City (149 Ind.  
 670; 49 N. E. 800) 3042  
 — v. Raritan (52 N. J. L. 319;  
 19 Atl. 610) 2509  
 — v. Schenectady R. Co. (170  
 N. Y. 298; 63 N. E. 357, aff'g  
 67 N. Y. App. Div. 359; 73 N.  
 Y. Supp. 794) 1829, 1909, 2001,  
 2007, 2024  
 — v. Sherwood (56 N. Y. 614) 2498  
 — v. Smith (1 Conn. 103; 6 Am.  
 Dec. 216) 1794, 1825  
 — v. Spencer (26 Fla. 23; 7  
 So. 642) 564, 1247  
 — v. Sterling Water Co. (118  
 Ill. App. 533) 2301, 2304  
 — v. Weddell (17 Ohio St. 271) 61  
 Peck-Williamson Heating, etc. Co.  
 v. Board of Education (6 Okla.  
 279; 50 Pac. 236) 357  
 Peckham v. Newark (43 N. J. L.  
 576) 2506  
 — v. Watsonville (138 Cal. 242;  
 71 Pac. 169) 1169, 1224  
 Peddicord v. Baltimore, C. & E.  
 M. P. R. Co. (34 Md. 463) 2002

[References are to pages]

- Pedrick v. Bailey* (12 Gray [Mass.] 161) 665, 925, 927, 938, 1848, 1886, 2987
- Peebles v. Pittsburgh* (101 Pa. 304; 47 Am. Rep. 714) 2830
- Peekskill, S. C. & M. R. Co. v. Peekskill* (21 N. Y. App. Div. 94; 47 N. Y. Supp. 305, aff'd 165 N. Y. 628; 59 N. E. 1128) 1962
- Peel v. Atlanta* (85 Ga. 138; 11 S. E. 582) 2944
- *v. Board of Metropolitan Police* (44 Barb. [N. Y.] 91) 756
- Pees v. Leeds* (1 Stra. 640) 2715, 2719
- Peete v. Morgan* (19 Wall. [U. S.] 581) 476
- Peffer v. Pennsylvania Water Co.* (221 Pa. 578; 70 Atl. 870) 2203
- Pegram v. New York Elev. R. Co.* (147 N. Y. 135; 41 N. E. 424) 1776, 2040, 2041
- Pegues v. Ray* (50 La. An. 574; 23 So. 904) 2326
- Peifly v. Mountain Water Supply Co.* (214 Pa. 340; 63 Atl. 751) 2126
- Pekin v. Brereton* (67 Ill. 477; 16 Am. Rep. 629) 2000, 2925, 2926, 2931, 2939, 2946, 3036, 3046
- *v. McMahon* (154 Ill. 141; 39 N. E. 484; 27 L. R. A. 206; 45 Am. St. Rep. 114) 2913
- *v. Newell* (26 Ill. 320; 79 Am. Dec. 378) 2871
- *v. Reynolds* (31 Ill. 529; 83 Am. Dec. 244) 1291, 1319, 1320
- *v. Smelzel* (21 Ill. 464; 74 Am. Dec. 105) 1012, 1014
- *v. Winkel* (77 Ill. 56) 2925, 2931, 2946, 3046
- Pelham v. The B. F. Woolsey* (16 Fed. Rep. 418) 504
- Pelham Manor v. New Rochelle Water Co.* (143 N. Y. 532; 38 N. E. 711) 1911, 2122, 2143
- Pell, Matter of* (171 N. Y. 48; 63 N. E. 789; 89 Am. St. Rep. 791) 2467
- *v. Newark* (40 N. J. L. 71, aff'd 40 N. J. L. 550; 29 Am. Rep. 266) 242, 243, 307, 316
- Pella Christian Church v. Scholte* (2 Iowa, 27) 1694, 1713, 1723, 1755, 1756
- *v. Scholte* (24 Iowa, 283; 95 Am. Dec. 729) 1892
- Pelletier v. Ashton* (12 S. Dak. 366; 81 N. W. 735) 623
- Pells v. Paxton* (176 Ill. 318; 52 N. E. 64) 1214, 2452, 2630
- *v. People* (159 Ill. 580; 42 N. E. 784) 2630
- Pelton v. Crawford County* (10 Wis. 69) 1312, 1314
- Pembina Mining Co. v. Pennsylvania* (125 U. S. 181) 2353, 2354, 2355, 2357, 2465
- Pence v. Bryant* (54 W. Va. 263; 46 S. E. 275) 1725, 1726, 1728, 1774, 1784, 1791
- *v. Carney* (58 W. Va. 296; 52 S. E. 702; 6 L. R. A. n. s. 266; 112 Am. St. Rep. 963) 2308
- *v. Frankfort* (101 Ky. 534; 41 S. W. 1011) 620, 628, 842, 2427, 2429
- Pender v. King* (6 Vin. Abr. 296) 720
- Pendergast v. Peru* (20 Ill. 51) 948
- Pendlebury v. Greenhalgh* (1 Q. B. D. 36) 3012
- Pendleton v. Asbury* (104 Mo. App. 723; 78 S. W. 651) 1166, 1168
- *v. Bank of Kentucky* (1 Mon. [Ky.] 177) 609
- *v. Perkins* (49 Mo. 565) 470
- Pendleton County v. Amy* (13 Wall. [U. S.] 297) 1355, 1420, 1421, 1437, 1439, 1461, 1507, 1530, 1531
- Penfield v. New York* (115 N. Y. App. Div. 502; 101 N. Y. Supp. 442) 3053
- Penick v. Foster* (129 Ga. 217; 58 S. E. 773) 2439, 2440
- Peninsular R. Co. v. Howard* (20 Mich. 18) 1668
- Penn v. Laredo* ([Tex. Civ. App.], 26 S. W. 636) 1170
- Penn Mutual Life Ins. Co. v. Austin* (168 U. S. 685) 2149
- *v. Heiss* (141 Ill. 35; 31 N. E. 138) 1663, 2018
- Pennell v. New York* (17 N. Y. App. Div. 455; 45 N. Y. Supp. 229) 1223
- Pennie, Matter of* (108 N. Y. 364; 15 N. E. 611) 2608
- Pennie v. Reis* (132 U. S. 464, aff'g 80 Cal. 266; 22 Pac. 176) 755, 756, 2394
- Pennington v. Baehr* (48 Cal. 565) 1396
- *v. Taniere* (12 Q. B. 1011) 1171, 1177, 1597
- *v. Willard* (1 R. I. 93) 1709
- Penniston v. Newnan* (117 Ga. 700; 45 S. E. 65) 967
- Pennoyer v. McConnaughy* (140 U. S. 1) 2259
- *v. Saginaw* (8 Mich. 534) 3041, 3043
- Pennsylvania & O. Canal Co. v. Graham* (63 Pa. 290) 2951, 3004, 3014
- Pennsylvania Co. v. Bond* (202 Ill. 95; 66 N. E. 941, aff'g 99 Ill. App. 535) 1982, 1983

## TABLE OF CASES CITED

313

[References are to pages]

- Pennsylvania Co. v. Chicago* (81 Fed. Rep. 317) 2850, 2851  
 — *v. Chicago* (181 Ill. 289; 54 N. E. 825; 53 L. R. A. 223) 1855, 1867, 2018  
 — *v. Cole* (132 Fed. Rep. 668) 867, 1220  
 — *v. Lake Erie, B. G. & N. R. Co.* (146 Fed. Rep. 446) 1983  
 — *v. Pennsylvania S. V. R. Co.* (151 Pa. 334; 25 Atl. 107; 31 Am. St. Rep. 762) 2027  
 — *v. Plotz* (125 Ind. 26; 24 N. E. 343) 1714  
 — *v. Rathgeb* (32 Ohio St. 66) 2967, 2970  
 — *v. State* (142 Ind. 428; 41 N. E. 937) 334  
*Pennsylvania, D. & M. S. N. Co. v. Dandridge* (8 Gill & J. [Md.] 248; 29 Am. Dec. 543) 1154, 1183  
*Pennsylvania Dist. Election* (2 Par. [Pa.] 526) 642  
*Pennsylvania Globe G. L. Co. v. Scranton* (97 Pa. St. 538) 912  
*Pennsylvania Hall, In re* (5 Pa. St. 204) 1133, 2850  
*Pennsylvania Hospital v. Delaware County* (169 Pa. 305; 32 Atl. 456) 2446  
*Pennsylvania R. Co. v. Baltimore & O. R. Co.* (60 Md. 263) 1642  
 — *v. Canal Com'rs* (21 Pa. 9) 1971  
 — *v. Duncan* (111 Pa. 352; 5 Atl. 742) 2026  
 — *v. Duquesne* (46 Pa. St. 223) 1799, 1833  
 — *v. Greensburg & H. Elect. St. R. Co.* (176 Pa. 559; 35 Atl. 122) 2029  
 — *v. Greensburg, J. & P. St. R. Co.* (176 Pa. 559; 35 Atl. 122) 1942  
 — *v. Heister* (8 Pa. St. 445) 1682  
 — *v. Jersey City* (47 N. J. L. 286) 928, 929  
 — *v. Knight* (192 U. S. 21, aff'g 171 N. Y. 354; 64 N. E. 152) 2331, 2342  
 — *v. Lippincott* (116 Pa. 472; 9 Atl. 871; 2 Am. Rep. 618) 2027, 2924, 2949  
 — *v. McCloskey* (23 Pa. St. 526) 3006  
 — *v. Marchant* (119 Pa. 541; 13 Atl. 690; 4 Am. St. Rep. 659, aff'd 153 U. S. 380) 2027, 2943, 2948  
 — *v. Miller* (132 U. S. 75) 1984, 2026  
 — *v. Montgomery County Pass. R. Co.* (167 Pa. 62; 31 Atl. 468; 46 Am. St. Rep. 659) 1942, 1986, 2029  
*Pennsylvania R. Co. v. National R. Co.* (23 N. J. Eq. 441) 1992  
 — *v. New York & L. B. R. Co.* (23 N. J. Eq. 157) 493  
 — *v. Philadelphia* (47 Pa. 193) 573, 581, 582  
 — *v. Pittsburgh Grain Elev. Co.* (50 Pa. St. 499) 1719, 1795  
 — *v. Porter* (29 Pa. St. 165) 1648  
 — *v. Riblet* (66 Pa. 164; 5 Am. Rep. 360) 266  
*Pennsylvania R. Co.'s Appeal* (93 Pa. St. 150) 1612  
*Pennsylvania S. V. R. Co. v. Walsh* (124 Pa. 544; 17 Atl. 186; 10 Am. St. Rep. 611) 2026  
 — *v. Ziemer* (124 Pa. 560; 17 Atl. 187) 2026, 2028  
*Pennsylvania Tel. Co., Matter of* (48 N. J. Eq. 91; 20 Atl. 846) 1926, 2348, 2351  
*Penny Pot Landing Case* (16 Pa. St. 79) 1722, 1757, 1890, 1897  
*Penobscot Boom Corporation v. Lawson* (16 Me. 225; 33 Am. Dec. 656) 143  
*Pensacola v. Lehman* (13 U. S. App. 411) 466  
 — *v. Southern Bell Tel. Co.* (49 Fla. 161; 37 So. 820) 893, 897, 898, 910, 913  
*Pensacola Tel. Co. v. Western Un. Tel. Co.* (96 U. S. 1) 1925, 1926, 2347  
*Pentz v. Aetna Ins. Co.* (9 Paige [N. Y.] 568) 2848, 2849  
*People v. Adam* (116 N. Y. App. Div. 613; 101 N. Y. Supp. 925) 701, 712  
 — *v. Adams* (31 Colo. 476; 73 Pac. 866) 111  
 — *v. Adams* (9 Wend. [N. Y.] 333) 873, 889, 1032  
 — *v. Adams* (18 N. Y. Supp. 443) 2529  
 — *v. Adirondack R. Co.* (160 N. Y. 225; 54 N. E. 689, aff'd 176 U. S. 335) 1635, 1661, 1985  
 — *v. Ahearn* (124 N. Y. App. Div. 840; 109 N. Y. Supp. 249) 1786, 1791, 1867, 1874  
 — *v. Alameda County* (26 Cal. 641) 627  
 — *v. Albany* (4 Hun [N. Y.] 675) 1582  
 — *v. Albany* (11 Wend. [N. Y.] 539; 27 Am. Dec. 95) 2914  
 — *v. Albany* (12 Wend. [N. Y.] 257) 740  
 — *v. Albany & Susq. R. Co.* (5 Lansing [N. Y.] 25) 2760  
 — *v. Albany & V. R. Co.* (24 N. Y. 261; 82 Am. Dec. 295) 1943

[References are to pages]

- People v. Albany County (12 Johns. [N. Y.] 414) 2657, 2661, 2693  
 — v. Albertson (55 N. Y. 50) 26, 30, 168, 169, 170, 177, 675, 2735  
 — v. Albion (61 N. Y. App. Div. 71; 70 N. Y. Supp. 21) 712, 803  
 — v. Alleghany County (15 Wend. [N. Y.] 198) 2793, 2795  
 — v. Alms-House Com'rs (65 Hun [N. Y.] 169; 20 N. Y. Supp. 21) 712, 818  
 — v. American Bell Tel. Co. (117 N. Y. 241; 22 N. E. 1057) 2355, 2356  
 — v. Ammenwerth (197 N. Y. 340; 90 N. E. 973) 2666  
 — v. Anderson (239 Ill. 168; 87 N. E. 917) 2736, 2740  
 — v. Anderson (69 N. Y. App. Div. 619; 75 N. Y. Supp. 240) 2676  
 — v. Andrews (89 Hun [N. Y.] 452; 35 N. Y. Supp. 311) 758  
 — v. Angle (109 N. Y. 564; 17 N. E. 413) 690  
 — v. Anthony (6 Hun [N. Y.] 142) 844  
 — v. Arcola Drainage Com'rs (123 Ill. App. 604) 2740  
 — v. Arensburg (105 N. Y. 123; 11 N. E. 277; 59 Am. Rep. 483) 1007  
 — v. Armstrong (73 Mich. 288; 41 N. W. 275; 2 L. R. A. 721; 16 Am. St. Rep. 578) 1083  
 — v. Assessors (1 Hill [N. Y.] 620) 77  
 — v. Atchison, T. & S. F. R. Co. (217 Ill. 594; 75 N. E. 573) 1839, 2064  
 — v. Attorney-General (22 Barb. [N. Y.] 114) 2707  
 — v. Auburn (85 Hun [N. Y.] 601; 33 N. Y. Supp. 165) 814  
 — v. Bacon (18 Mich. 247) 2718  
 — v. Bagley (85 Cal. 343; 24 Pac. 716) 114  
 — v. Baker (35 Barb. [N. Y.] 105) 2706, 2720  
 — v. Ballhorn (100 Ill. App. 571) 638, 728  
 — v. Ballston Spa (19 N. Y. App. Div. 567; 46 N. Y. Supp. 564) 712, 818  
 — v. Baltimore & Ohio R. Co. (117 N. Y. 150; 22 N. E. 1026) 510  
 — v. Bank of Niagara (6 Cow. [N. Y.] 196) 2745  
 — v. Bank of Pontiac (12 Mich. 527) 2743  
 — v. Baraga (39 Mich. 554) 1155  
 — v. Barker (146 N. Y. 304; 40 N. E. 996) 2421, 2424  
 — v. Barker (157 N. Y. 159; 51 N. E. 1043, modifying 31 N. Y. App. Div. 263; 52 N. Y. Supp. 921) 2354, 2355  
 People v. Barker (165 N. Y. 305; 59 N. E. 137, 151) 2423  
 — v. Barker (23 N. Y. App. Div. 524, aff'd 155 N. Y. 665; 49 N. E. 1102) 2354, 2356  
 — v. Barnard (110 N. Y. 548; 18 N. E. 354) 1953, 1955, 1958, 1976, 2148, 2149  
 — v. Barrett (203 Ill. 99; 67 N. E. 742; 96 Am. St. Rep. 296) 689, 748  
 — v. Bartlett (6 Wend. [N. Y.] 422) 720, 721, 842  
 — v. Batchelor (22 N. Y. 128) 171, 863, 864, 865, 867  
 — v. Batchelor (53 N. Y. 128; 13 Am. Rep. 480) 217, 218, 1524, 2653, 2809  
 — v. Bearfield (35 Barb. [N. Y.] 254) 784, 808, 819  
 — v. Beattie (96 N. Y. App. Div. 383; 89 N. Y. Supp. 193) 1008  
 — v. Beaudry (91 Cal. 213; 27 Pac. 610) 2761  
 — v. Bedell (2 Hill [N. Y.] 196) 665, 677  
 — v. Bellet (99 Mich. 151; 57 N. W. 1094; 22 L. R. A. 696; 41 Am. St. Rep. 589) 1096  
 — v. Bennett (29 Mich. 451; 18 Am. Rep. 107) 81, 99, 100, 181, 615, 616, 619, 2735, 3046  
 — v. Benson (30 Barb. [N. Y.] 24) 1916, 1921  
 — v. Benzie Co. (41 Mich. 6; 2 N. W. 181) 553  
 — v. Berkeley (102 Cal. 298; 36 Pac. 591) 660, 661  
 — v. Best (187 N. Y. 1; 79 N. E. 890; 116 Am. St. Rep. 586) 821  
 — v. Bibby (91 Cal. 470; 27 Pac. 781) 1310  
 — v. Biesecker (169 N. Y. 53; 61 N. E. 990; 57 L. R. A. 178; 88 Am. St. Rep. 534; 58 N. Y. App. Div. 391; 68 N. Y. Supp. 1067) 1005, 1006, 1008  
 — v. Bingham (189 N. Y. 104; 81 N. E. 776) 799  
 — v. Bingham (135 N. Y. App. Div. 813; 120 N. Y. Supp. 186) 2672  
 — v. Binns (192 Ill. 68; 61 N. E. 376) 623  
 — v. Bissell (19 Ill. 229; 68 Am. Dec. 591) 2660  
 — v. Blair (82 Ill. App. 570) 669, 680, 717, 720  
 — v. Blair (21 N. Y. App. Div. 213, aff'd 154 N. Y. 734; 49 N. E. 1102) 695  
 — v. Blake (60 Cal. 497) 1711

## TABLE OF CASES CITED

315

[References are to pages]

- People *v.* Blom (120 Mich. 45; 78 N. W. 1015) 942, 1018, 1020, 1021  
 — *v.* Bloomington (63 Ill. 207) 2662, 2718  
 — *v.* Board of Canvassers (129 N. Y. 360; 29 N. E. 345) 640  
 — *v.* Board of Education (174 N. Y. 169; 66 N. E. 674, aff'g 78 N. Y. App. Div. 501; 79 N. Y. Supp. 624) 804  
 — *v.* Board of Education (104 N. Y. App. Div. 162; 93 N. Y. Supp. 300) 2647  
 — *v.* Board of Education (114 N. Y. App. Div. 1; 99 N. Y. Supp. 737, aff'd 187 N. Y. 535; 80 N. E. 1116) 805, 806  
 — *v.* Board of Fire Com'rs (72 N. Y. 445) 795, 799, 802, 811  
 — *v.* Board of Fire Com'rs (73 N. Y. 437) 707, 791, 795, 796, 799  
 — *v.* Board of Fire Com'rs (86 N. Y. 149) 707  
 — *v.* Board of Health (153 N. Y. 513; 47 N. E. 785, rev'g 15 N. Y. App. Div. 272; 44 N. Y. Supp. 597) 802  
 — *v.* Board of Improvement (43 N. Y. 227) 1212  
 — *v.* Board of Police (72 N. Y. 415) 789, 803  
 — *v.* Board of Police (93 N. Y. 97) 784, 809  
 — *v.* Board of Salem (20 Mich. 452; 4 Am. Rep. 400) 1367  
 — *v.* Board of Trade (45 Ill. 112) 783, 784  
 — *v.* Board of Trustees (170 Ill. 468; 48 N. E. 901) 260, 294, 296, 298, 318  
 — *v.* Board of Trustees (35 N. Y. Misc. 675; 72 N. Y. Supp. 350) 2709  
 — *v.* Bolte (35 N. Y. Misc. 53; 71 N. Y. Supp. 74) 2652  
 — *v.* Bond (10 Cal. 563) 194  
 — *v.* Boston & A. R. Co. (70 N. Y. 569) 1615  
 People *v.* Brady (166 N. Y. 44; 59 N. Y. Supp. 701, rev'g 53 N. Y. App. Div. 279; 65 N. Y. Supp. 844) 795, 796, 822, 2796  
 — *v.* Brady (43 N. Y. App. Div. 60; 59 N. Y. Supp. 322) 795, 800  
 — *v.* Brady (48 N. Y. App. Div. 128; 62 N. Y. Supp. 603) 800  
 — *v.* Brady (49 N. Y. App. Div. 238; 63 N. Y. Supp. 145) 713, 715  
 — *v.* Brady (58 N. Y. App. Div. 219; 68 N. Y. Supp. 796) 795  
 — *v.* Brenham (3 Cal. 477) 641  
 — *v.* Brennan (39 Barb. [N. Y.] 522) 524, 1401  
 People *v.* Brennan (39 Barb. [N. Y.] 651) 2659, 2677  
 — *v.* Brennan (45 Barb. [N. Y.] 457) 2653  
 — *v.* Brealer (171 N. Y. 302; 63 N. E. 1093, aff'g 70 N. Y. App. Div. 294; 75 N. Y. Supp. 209) 837  
 — *v.* Brice (62 N. Y. App. Div. 593; 71 N. Y. Supp. 196) 2723  
 — *v.* Briggs (50 N. Y. 553) 138, 155, 182  
 — *v.* Brighton (20 Mich. 57) 1646, 1650, 1655  
 — *v.* Bristol & R. T. Co. (23 Wend. [N. Y.] 222) 2731  
 — *v.* Broadway Wharf Co. (31 Cal. 33) 1561  
 — *v.* Brookfield (1 N. Y. App. Div. 68; 37 N. Y. Supp. 107) 806  
 — *v.* Brookfield (2 N. Y. App. Div. 299; 37 N. Y. Supp. 718) 793  
 — *v.* Brookfield (6 N. Y. App. Div. 398; 39 N. Y. Supp. 673) 1856, 1860  
 — *v.* Brookfield (6 N. Y. App. Div. 445; 39 N. Y. Supp. 677, aff'd 151 N. Y. 674; 46 N. E. 1150) 809  
 — *v.* Brooklyn (4 N. Y. 419; 55 Am. Dec. 266; overruling 6 Barb. [N. Y.] 209) 221, 1665, 1666, 2315, 2319, 2364, 2375, 2494, 2497, 2498, 2499, 2567, 2572, 2622  
 — *v.* Brooklyn (65 N. Y. 349) 2081, 2082, 3034  
 — *v.* Brooklyn (71 N. Y. 495) 2596, 2638  
 — *v.* Brooklyn (77 N. Y. 503; 33 Am. Rep. 659) 724, 727, 2664, 2665, 2709  
 — *v.* Brooklyn (149 N. Y. 215; 43 N. E. 554) 713, 805, 806  
 — *v.* Brooklyn (1 Wend. [N. Y.] 318; 19 Am. Dec. 502) 1652, 2650  
 — *v.* Brooklyn (21 Barb. [N. Y.] 484) 1810, 2608  
 — *v.* Brooklyn (22 Barb. [N. Y.] 404) 2654, 2656, 2708  
 — *v.* Brooklyn Assessors (92 N. Y. 430) 2441  
 — *v.* Brooklyn Board of Assessors (39 N. Y. 81) 2794  
 — *v.* Brooklyn Board of Assessors (111 N. Y. 505; 19 N. E. 90) 2431, 2432  
 — *v.* Brooklyn Board of Excise (16 N. Y. Supp. 798) 1004  
 — *v.* Brooklyn Fire Com'rs (106 N. Y. 64; 12 N. E. 641) 809, 2798  
 — *v.* Brooklyn, F. & C. I. R. Co. (89 N. Y. 75) 1942, 1943, 1944  
 — *v.* Brown (2 Utah Ter. 462) 966

[References are to pages]

- People v. Brush* (146 N. Y. 60; 40 N. E. 502) 2668  
 — *v. Brush* (110 N. Y. App. Div. 720; 96 N. Y. Supp. 500) 837, 2658  
 — *v. Bryant* (28 N. Y. App. Div. 480; 51 N. Y. Supp. 119) 759, 803  
 — *v. Buchanan* (1 Idaho, 681) 979  
 — *v. Buffalo* (147 N. Y. 675; 42 N. E. 344) 2527, 2556  
 — *v. Buffalo* (63 N. Y. App. Div. 563; 68 N. Y. Supp. 409; 71 N. Y. Supp. 1145) 2432, 2433  
 — *v. Buffalo* (84 N. Y. Supp. 434) 1197, 1223  
 — *v. Buffalo Board of Assessors* (193 N. Y. 248; 86 N. E. 466) 2599  
 — *v. Buffalo County* (4 Neb. 150) 1212, 1213, 1219  
 — *v. Bull* (46 N. Y. 57; 7 Am. Rep. 302) 171, 718, 2733  
 — *v. Bunker* (128 Mich. 160; 87 N. W. 90) 2326  
 — *v. Burch* (79 N. Y. App. Div. 156; 80 N. Y. Supp. 274) 712  
 — *v. Burt* (65 N. Y. App. Div. 157; 72 N. Y. Supp. 567, *aff'd* 170 N. Y. 620; 63 N. E. 1121) 691, 821  
 — *v. Bush* (22 N. Y. App. Div. 363; 48 N. Y. Supp. 13) 2796  
 — *v. Busse* (238 Ill. 593; 87 N. E. 840) 2648  
 — *v. Butler* (24 Colo. 401; 51 Pac. 510) 2650  
 — *v. Butte* (4 Mont. 174; 1 Pac. 414; 47 Am. Rep. 346) 91, 127  
 — *v. Cahill* (188 N. Y. 489; 81 N. E. 453, *rev'g* 116 N. Y. App. Div. 885; (102 N. Y. Supp. 325) 695, 713, 736, 737, 739, 805, 818, 820  
 — *v. Cairo* (50 Ill. 155) 2679  
 — *v. Callaghan* (83 Ill. 128) 680, 2740  
 — *v. Campbell* (138 Cal. 11; 70 Pac. 918) 719, 2741  
 — *v. Campbell* (72 N. Y. 496) 2659  
 — *v. Campbell* (82 N. Y. 247) 795, 799  
 — *v. Campbell* (139 N. Y. 68; 34 N. E. 753) 2354, 2356  
 — *v. Canaday* (73 N. Car. 198; 21 Am. Rep. 465) 25, 29, 95, 635, 636  
 — *v. Canal Appraisers* (33 N. Y. 461) 487  
 — *v. Canal Board* (55 N. Y. 390) 2756  
 — *v. Canal Com'rs* (5 Denio [N. Y.] 401) 1317  
 — *People v. Canty* (55 Ill. 33) 199, 665, 2389  
 — *v. Carpenter* (1 Mich. 273) 1752, 1784, 1788  
 — *v. Carpenter* (24 N. Y. 86) 613, 615, 628, 638, 2735, 2737  
 — *v. Carrique* (2 Hill [N. Y.] 93) 727, 2664  
 — *v. Carroll* (42 Hun [N. Y.] 438) 800  
 — *v. Cass County* (77 Ill. 438) 584, 585, 1536, 2657  
 — *v. Cassidy* (2 Lans. [N. Y.] 294) 2419  
 — *v. Central Pac. R. Co.* (43 Cal. 398) 1646, 2322  
 — *v. Central Pac. R. Co.* (105 Cal. 576; 38 Pac. 905) 257, 258, 261, 275, 277, 331, 2484  
 — *v. Central Union Tel. Co.* (192 Ill. 307; 61 N. E. 428; 85 Am. St. Rep. 338) 1907, 1985  
 — *v. Central Union Tel. Co.* (232 Ill. 260; 83 N. E. 829) 1961, 2058  
 — *v. Chapman* (66 Ill. 137) 1536  
 — *v. Chatauqua County* (43 N. Y. 10) 138, 1939  
 — *v. Chenango County* (8 N. Y. 317) 2648, 2693  
 — *v. Chenango County* (11 N. Y. 563) 2650, 2651, 2677  
 — *v. Chicago* (51 Ill. 17; 2 Am. Rep. 278) 28, 183, 199, 2388, 2705, 2706  
 — *v. Chicago* (124 Ill. 636; 17 N. E. 56) 2445  
 — *v. Chicago* (99 Ill. App. 489) 2672  
 — *v. Chicago* (106 Ill. App. 72) 2647  
 — *v. Chicago & A. R. Co.* (67 Ill. 118) 2068, 2077, 2080  
 — *v. Chicago & A. R. Co.* (96 Ill. 369) 2455  
 — *v. Chicago & N. W. R. Co.* (118 Ill. 520; 8 N. E. 824) 1767, 1799, 1801  
 — *v. Chicago & N. W. R. Co.* (183 Ill. 311; 55 N. E. 682) 2452  
 — *v. Chicago, B. & Q. R. Co.* (189 Ill. 397; 59 N. E. 946) 989  
 — *v. Chicago Election Com'rs* (221 Ill. 9; 77 N. E. 321) 2667  
 — *v. Chicago Telephone Co.* (220 Ill. 238; 77 N. E. 245) 1907, 1990, 2056, 2057, 2729  
 — *v. Church* (192 Ill. 302; 61 N. E. 496) 2629  
 — *v. Church* (103 Ill. App. 132) 2656  
 — *v. Chytraus* (183 Ill. 190; 55 N. E. 666) 2657  
 — *v. Cicott* (16 Mich. 283; 97 Am. Dec. 141) 645, 646, 653



# TABLE OF CASES CITED

317

[References are to pages]

<b>People v. Clark</b> (47 Cal. 456) 2404	<b>People v. Coler</b> (41 N. Y. App. Div. 463; 58 N. Y. Supp. 988) 2651
— <b>v. Clark</b> (70 N. Y. 518) 2735	— <b>v. Coler</b> (48 N. Y. App. Div. 492; 62 N. Y. Supp. 964) 2676
— <b>v. Clark</b> (40 N. Y. App. Div. 214; 58 N. Y. Supp. 12) 2661	— <b>v. Coler</b> (56 N. Y. App. Div. 171; 67 N. Y. Supp. 652) 708
— <b>v. Clark County</b> (50 Ill. 213) 2678	— <b>v. Coler</b> (58 N. Y. App. Div. 131; 68 N. Y. Supp. 448) 1242, 2648
— <b>v. Clarke</b> (174 N. Y. 259; 66 N. E. 819, rev'g 79 N. Y. App. Div. 78; 79 N. Y. Supp. 1111) 1297, 1314, 1315, 1316, 1317	— <b>v. Coler</b> (78 N. Y. App. Div. 248; 79 N. Y. Supp. 1085, aff'd 175 N. Y. 510; 67 N. E. 1088) 800
— <b>v. Clarke</b> (54 N. Y. App. Div. 588; 66 N. Y. Supp. 1068) 703	— <b>v. Collier</b> (175 N. Y. 196; 67 N. E. 309, rev'g 78 N. Y. App. Div. 620; 79 N. Y. Supp. 671, and 79 N. Y. App. Div. 636; 80 N. Y. Supp. 1146) 691, 699, 700, 703, 817
— <b>v. Clarke</b> (110 N. Y. App. Div. 28; 96 N. Y. Supp. 1051) 2665	— <b>v. Collins</b> (3 Mich. 347) 919
— <b>v. Clausen</b> (50 N. Y. App. Div. 286; 63 N. Y. Supp. 993; s. c. 163 N. Y. 523; 57 N. E. 739) 714, 715	— <b>v. Collins</b> (7 Johns. [N. Y.] 549) 2654
— <b>v. Clayton</b> (88 Ill. 45) 585	— <b>v. Collins</b> (19 Wend. [N. Y.] 65) 2644, 2702, 2708
— <b>v. Clifford</b> (166 Ill. 165; 46 N. E. 770) 2455	— <b>v. Collis</b> (6 N. Y. App. Div. 467; 39 N. Y. Supp. 698) 820
— <b>v. Clunie</b> (70 Cal. 504; 11 Pac. 775) 97, 447	— <b>v. Colorado E. R. Co.</b> (8 Colo. App. 301; 46 Pac. 219) 2740
— <b>v. Clute</b> (50 N. Y. 451; 10 Am. Rep. 508) 168, 640, 655	— <b>v. Columbia County</b> (10 Wend. [N. Y.] 363) 2648, 2650, 2653
— <b>v. Clute</b> (52 N. Y. 576) 2735, 2745	— <b>v. Com'rs of Taxes</b> (23 N. Y. 224) 2410
— <b>v. Cobb</b> (13 N. Y. App. Div. 56; 43 N. Y. Supp. 120) 692, 693, 2672	— <b>v. Com'rs of Taxes</b> (76 N. Y. 64) 2321, 2439, 2440
— <b>v. Cole</b> (70 Cal. 59; 11 Pac. 481) 949	— <b>v. Com'rs of Taxes</b> (90 N. Y. 63) 2321
— <b>v. Coleman</b> (4 Cal. 46; 60 Am. Dec. 581) 998, 2469, 2505	— <b>v. Com'rs of Taxes</b> (101 N. Y. 322; 4 N. E. 127) 2423
— <b>v. Coleman</b> (126 N. Y. 433; 27 N. E. 818) 2424	— <b>v. Comptroller</b> (77 N. Y. 45) 1278, 2883
— <b>v. Coleman</b> (135 N. Y. 231; 31 N. E. 1022) 2423	— <b>v. Comptroller, &amp;c.</b> (20 Wend. [N. Y.] 595) 783, 793
— <b>v. Coleman</b> (99 N. Y. App. Div. 88; 91 N. Y. Supp. 432) 807	— <b>v. Conklin</b> (7 Hun [N. Y.] 188) 856
— <b>v. Coler</b> (166 N. Y. 1; 59 N. E. 716; 82 Am. St. Rep. 605, aff'g 56 N. Y. App. Div. 98; 67 N. Y. Supp. 701) 210, 211, 1216, 1218	— <b>v. Conover</b> (17 N. Y. 64) 677
— <b>v. Coler</b> (166 N. Y. 144; 59 N. E. 776, aff'g 56 N. Y. App. Div. 459; 68 N. Y. Supp. 767) 1216, 1219, 1314	— <b>v. Conover</b> (6 Abb. Pr. [N. Y.] R. 220) 2744
— <b>v. Coler</b> (173 N. Y. 103; 65 N. E. 956, aff'g 71 N. Y. App. Div. 584; 76 N. Y. Supp. 205) 155, 172, 177, 637, 639, 760	— <b>v. Consolidated Gas Co.</b> (130 N. Y. App. Div. 626; 115 N. Y. Supp. 393) 1991
— <b>v. Coler</b> (190 N. Y. 268; 83 N. E. 18, rev'g 121 N. Y. App. Div. 898; 105 N. Y. Supp. 1137) 1948	— <b>v. Consolidated Tel. &amp; Elect. Subway Co.</b> (187 N. Y. 58; 79 N. E. 892, aff'g 110 N. Y. App. Div. 171; 96 N. Y. Supp. 609) 1945
— <b>v. Coler</b> (31 N. Y. App. Div. 523; 52 N. Y. Supp. 197, aff'd 157 N. Y. 676; 51 N. E. 1093) 703	— <b>v. Constable</b> (27 N. Y. App. Div. 74; 50 N. Y. Supp. 121) 795, 796
— <b>v. Coler</b> (35 N. Y. App. Div. 401; 54 N. Y. Supp. 785) 1220	— <b>v. Constable</b> (65 N. Y. App. Div. 176; 72 N. Y. Supp. 535) 713
— <b>v. Coler</b> (40 N. Y. App. Div. 65; 57 N. Y. Supp. 636, aff'd 159 N. Y. 569; 54 N. E. 1094) 800	— <b>v. Contra Costa County</b> (122 Cal. 421; 55 Pac. 131) 509
	— <b>v. Contracting Board</b> (27 N. Y. 378; s. c. 46 Barb. [N. Y.] 254; s. c. 33 N. Y. 382) 2659

[References are to pages]

- People *v.* Conway (59 N. Y. App. Div. 329; 69 N. Y. Supp. 837) 791, 2796  
 — *v.* Cook (8 N. Y. 67; 59 Am. Dec. 451) 838  
 — *v.* Cook (14 Barb. [N. Y.] 259) 644  
 — *v.* Cook County (176 Ill. 576; 52 N. E. 334) 324, 2649, 2657  
 — *v.* Cook County (221 Ill. 493; 77 N. E. 914) 2554  
 — *v.* Coon (25 Cal. 635) 195, 581, 1238  
 — *v.* Cooper (83 Ill. 585) 259, 260, 265, 292, 295, 318, 320  
 — *v.* Cooper (6 Hill [N. Y.] 516) 1832  
 — *v.* Cooper (57 How. Pr. [N. Y.] 416) 809  
 — *v.* Cornell (47 Barb. [N. Y.] 329) 887  
 — *v.* Coronado (100 Cal. 571; 35 Pac. 162) 115  
 — *v.* Cortlandt Board of Canvassers (61 N. Y. Supp. 727) 2666  
 — *v.* Counts (89 Cal. 15; 26 Pac. 612) 1383  
 — *v.* County (11 Cal. 170) 1295  
 — *v.* Court (1 Hill [N. Y.] 674) 2798  
 — *v.* Covert (1 Hill [N. Y.] 674) 2796, 2799  
 — *v.* Coyle (55 N. Y. App. Div. 223; 66 N. Y. Supp. 827) 812, 813  
 — *v.* Cram (164 N. Y. 166; 58 N. E. 112, rev'g 50 N. Y. App. Div. 380; 64 N. Y. Supp. 158) 961  
 — *v.* Cram (34 N. Y. App. Div. 313; 54 N. Y. Supp. 355) 707  
 — *v.* Cregier (138 Ill. 401; 28 N. E. 812) 914, 915, 989, 1003, 1018  
 — *v.* Crennan (141 N. Y. 239; 36 N. E. 187) 2651  
 — *v.* Crissey (91 N. Y. 616) 634, 652, 734  
 — *v.* Cromwell (89 N. Y. App. Div. 291; 85 N. Y. Supp. 878) 2140  
 — *v.* Cronin (82 N. Y. 318, 323) 903  
 — *v.* Crooks (53 N. Y. 648) 171  
 — *v.* Croton Aqueduct Board (26 Barb. [N. Y.] 240) 1225  
 — *v.* Crotty (93 Ill. 180) 1018, 2647  
 — *v.* Cruger (12 N. Y. App. Div. 536; 42 N. Y. Supp. 398) 707, 714, 2710  
 — *v.* Cruger (17 N. Y. App. Div. 483; 45 N. Y. Supp. 519, aff'd 155 N. Y. 701; 50 N. E. 1121) 795, 796  
 — *v.* Cummings (166 N. Y. 110; 59 N. E. 703, rev'g 53 N. Y. App. Div. 36; 65 N. Y. Supp. 581) 1801  
 — *v.* Cunningham (1 Denio [N. Y.] 524; 43 Am. Dec. 709) 1787, 1788, 1857, 1858  
 People *v.* Curley (5 Colo. 412) 153, 1117  
 — *v.* Curley (99 Mich. 238; 58 N. W. 68) 441  
 — *v.* Cutler (28 Hun [N. Y.] 465) 1113  
 — *v.* Dalton (158 N. Y. 175; 52 N. E. 1113, rev'g 34 N. Y. App. Div. 627; 54 N. Y. Supp. 1112) 795  
 — *v.* Dalton (158 N. Y. 204; 52 N. E. 1119, aff'g 34 N. Y. App. Div. 6; 53 N. Y. Supp. 1060) 702, 713, 791, 819, 820  
 — *v.* Dalton (34 N. Y. App. Div. 6; 53 N. Y. Supp. 1060, aff'd 158 N. Y. 204; 52 N. E. 1119) 2669  
 — *v.* Dalton (34 N. Y. App. Div. 302; 54 N. Y. Supp. 216, aff'd 159 N. Y. 235; 53 N. E. 1113) 707  
 — *v.* Dalton (41 N. Y. App. Div. 458; 58 N. Y. Supp. 929, aff'd 160 N. Y. 686; 55 N. E. 1099) 703  
 — *v.* Dalton (44 N. Y. App. Div. 556; 60 N. Y. Supp. 909) 802  
 — *v.* Dalton (46 N. Y. App. Div. 264; 61 N. Y. Supp. 263) 694  
 — *v.* Dalton (49 N. Y. App. Div. 71; 63 N. Y. Supp. 258, aff'd 163 N. Y. 556; 57 N. E. 1121) 698, 706  
 — *v.* Dalton (85 N. Y. App. Div. 110; 83 N. Y. Supp. 321) 804  
 — *v.* Dalton (27 N. Y. Misc. 667; 59 N. Y. Supp. 666) 2672  
 — *v.* Daniels (6 Utah, 288; 22 Pac. 159; 5 L. R. A. 444) 2425  
 — *v.* Davenport (91 N. Y. 574) 2444  
 — *v.* Davidson (30 Cal. 379) 490  
 — *v.* Davidson (79 Cal. 166; 21 Pac. 538) 1725  
 — *v.* Davie (114 Cal. 363; 46 Pac. 150) 734  
 — *v.* Davis (78 N. Y. App. Div. 570; 79 N. Y. Supp. 747) 984  
 — *v.* Dayton (55 N. Y. 367) 221, 2315  
 — *v.* Decatur, S. & St. L. R. Co. (120 Ill. App. 229) 1963, 1969, 2019  
 — *v.* Deehan (153 N. Y. 528; 47 N. E. 787, rev'g 11 N. Y. App. Div. 175; 42 N. Y. Supp. 1071) 1907, 1916, 1984, 2058, 2061, 2137, 2139, 2142, 2143, 2273  
 — *v.* DeForest (83 N. Y. App. Div. 410; 82 N. Y. Supp. 59) 709  
 — *v.* Delany (120 N. Y. App. Div. 801; 105 N. Y. Supp. 746, aff'd 192 N. Y. 533; 84 N. E. 804) 1841  
 — *v.* Delaware & H. Canal Co. (32 N. Y. App. Div. 120; 52 N. Y. Supp. 850) 150

[References are to pages]

- People v. Denslow (1 Caines [N. Y.] 177) 1784  
 — v. Denver District Court (33 Colo. 293; 80 Pac. 908) 2799  
 — v. Department of Health (189 N. Y. 187; 82 N. E. 187) 1047  
 — v. Department of Health (86 N. Y. App. Div. 521; 83 N. Y. Supp. 800, aff'd 176 N. Y. 602; 68 N. E. 1123) 805, 806  
 — v. Department of Health (117 N. Y. App. Div. 856; 103 N. Y. Supp. 275) 902, 957, 1005  
 — v. Desmond (186 N. Y. 232; 78 N. E. 857) 2528, 2617, 2618  
 — v. Detroit (18 Mich. 338) 2668, 2669  
 — v. Detroit (18 Mich. 445) 971, 976, 978  
 — v. Detroit & Howell Pl. Rd. Co. (37 Mich. 195) 1783  
 — v. Detroit Common Council (28 Mich. 228; 15 Am. Rep. 202) 26, 29, 30, 62, 68, 71, 144, 153, 163, 183, 184, 187, 188, 189, 214, 215  
 — v. Detroit, G. H. & M. R. Co. (79 Mich. 471; 44 N. W. 934; 7 L. R. A. 717) 1617  
 — v. Detroit Rec. Ct. Judge (40 Mich. 64) 1847  
 — v. Detroit United R. Co. (134 Mich. 682; 79 N. W. 36; 63 L. R. A. 746; 104 Am. St. Rep. 626) 1092  
 — v. Detroit White Lead Works (82 Mich. 471; 46 N. W. 735; 9 L. R. A. 722) 972, 1052  
 — v. Dewitt (59 N. Y. App. Div. 493; 69 N. Y. Supp. 366) 2433  
 — v. Deyoe (2 S. & C. [N. Y.] 142) 1538  
 — v. Diehl (50 N. Y. App. Div. 58; 63 N. Y. Supp. 362, aff'd 167 N. Y. 619; 60 N. E. 1118) 800, 801  
 — v. Diehl (53 N. Y. App. Div. 645; 65 N. Y. Supp. 801) 799  
 — v. Dobbs Ferry (63 N. Y. App. Div. 276; 71 N. Y. Supp. 578) 712, 820  
 — v. Doe (36 Cal. 220) 2432  
 — v. Doe (109 N. Y. App. Div. 670; 96 N. Y. Supp. 389) 2664  
 — v. D'Oench (111 N. Y. 359; 18 N. E. 862) 556, 1062  
 — v. Dooley (171 N. Y. 74; 63 N. E. 815, aff'g 69 N. Y. App. Div. 512; 75 N. Y. Supp. 350) 168, 640, 667  
 — v. Doxsee (136 N. Y. App. Div. 400; 120 N. Y. Supp. 962) 2708  
 — v. Dragstran (100 Ill. 286) 2455, 2595  
 People v. Drake (43 N. Y. App. Div. 325; 60 N. Y. Supp. 309, aff'd 161 N. Y. 642; 57 N. E. 1122) 727, 791  
 — v. Draper (15 N. Y. 532) 29, 130, 135, 153, 161, 169, 176, 625, 674, 675, 838, 2735  
 — v. Dunne (219 Ill. 346; 76 N. E. 570) 2648, 2713  
 — v. Dupuyt (71 Ill. 651) 2388, 2390  
 — v. Duryea (59 N. Y. App. Div. 488; 69 N. Y. Supp. 388) 2433  
 — v. Dutcher (56 Ill. 144) 1534  
 — v. Dutchess & C. R. Co. (58 N. Y. 152) 2082, 2657, 2661, 2723, 2803  
 — v. Dutchess County (1 Hill [N. Y.] 50) 1833, 2657, 2661  
 — v. Dutchess County (9 Wend. [N. Y.] 508) 2653  
 — v. Dwyer (90 N. Y. 402) 917  
 — v. Dycker (72 N. Y. App. Div. 308; 76 N. Y. Supp. 111) 1008  
 — v. Early (106 N. Y. App. Div. 269; 94 N. Y. Supp. 640) 2661  
 — v. East Saginaw (40 Mich. 336) 2651  
 — v. Eaton (100 Mich. 208; 59 N. W. 145; 24 L. R. A. 721) 1826, 1930  
 — v. Eckerson (133 N. Y. App. Div. 220; 117 N. Y. Supp. 418) 2934  
 — v. Eddy (43 Cal. 333; 13 Am. Rep. 143) 2444  
 — v. Edelstein (91 N. Y. App. Div. 447; 86 N. Y. Supp. 861) 1102  
 — v. Edgcomb (112 N. Y. App. Div. 604; 98 N. Y. Supp. 965) 212  
 — v. Edmonds (15 Barb. [N. Y.] 529; 19 Barb. [N. Y.] 468) 2651, 2652  
 — v. Edwards (93 Cal. 153; 28 Pac. 831) 721  
 — v. Eel River & E. R. Co. (98 Cal. 665; 33 Pac. 728) 1703  
 — v. Eggers (164 Ill. 515; 45 N. E. 1074) 2453, 2455  
 — v. Election Commissioners (221 Ill. 9; 77 N. E. 321) 278, 280, 281  
 — v. Ellis (88 N. Y. App. Div. 471; 85 N. Y. Supp. 120) 1087  
 — v. Ellison (188 N. Y. 523; 81 N. E. 447, aff'g 115 N. Y. App. Div. 254; 101 N. Y. Supp. 55) 2069, 2072  
 — v. Elmendorf (42 N. Y. App. Div. 306; 59 N. Y. Supp. 115) 810  
 — v. Elmendorf (51 N. Y. App. Div. 173; 64 N. Y. Supp. 775; s. c. 165 N. Y. 676; 59 N. E. 1128) 814, 816

[References are to pages]

- People v. Elmendorf* (57 N. Y. App. Div. 340; 68 N. Y. Supp. 54) 813, 814
- *v. England* (16 N. Y. App. Div. 97; 45 N. Y. Supp. 12) 704
- *v. Ennis* (18 N. Y. App. Div. 412; 46 N. Y. Supp. 444) 805
- *v. Equitable Trust Co.* (96 N. Y. 387) 2363, 2438
- *v. Equity Gas Light Co.* (141 N. Y. 232; 36 N. E. 194) 1991
- *v. Esopus Aud.* (74 N. Y. 310) 2902, 2950, 2951
- *v. Everett* (1 Caines [N. Y.] 8) 2723
- *v. Fairbury* (51 Ill. 149) 591, 641, 642, 718, 719, 2664
- *v. Farmers' H. L. C. & Reservoir Co.* (25 Colo. 202; 54 Pac. 626) 2209
- *v. Farnham* (35 Ill. 562) 126, 443, 617
- *v. Faust* (113 Cal. 172; 45 Pac. 261) 441
- *v. Featherstonhaugh* (172 N. Y. 112; 64 N. E. 802) 211, 1216, 1218, 1261, 1262
- *v. Feeney* (43 N. Y. App. Div. 376; 60 N. Y. Supp. 103) 2796
- *v. Feitner* (49 N. Y. App. Div. 101) 62 N. Y. Supp. 969; 63 N. Y. Supp. 209) 804, 2356
- *v. Feitner* (58 N. Y. App. Div. 594; 69 N. Y. Supp. 141) 713, 806
- *v. Feitner* (92 N. Y. App. Div. 518; 87 N. Y. Supp. 304) 2424
- *v. Ferris* (16 Hun [N. Y.] 219) 2728
- *v. Fields* (58 N. Y. 491) 179, 182, 188, 190, 2761, 2762
- *v. Finger* (24 Barb. [N. Y.] 341) 2721
- *v. Fire Com'rs* (100 N. Y. 82; 2 N. E. 613) 2798
- *v. Fire Com'rs* (106 N. Y. 257; 12 N. E. 596) 2798
- *v. Firemen's Pension Fund Trustees* (95 Ill. App. 300) 758
- *v. Fitch* (147 N. Y. 355; 41 N. E. 695) 1822
- *v. Fitch* (148 N. Y. 71; 42 N. E. 520) 1320, 2315
- *v. Fitchie* (76 Hun [N. Y.] 80; 28 N. Y. Supp. 600) 722
- *v. Fitzgerald* (41 Mich. 2; 2 N. W. 179) 646
- *v. Fitzgerald* (96 N. Y. App. Div. 242; 89 N. Y. Supp. 268, aff'd 180 N. Y. 269; 73 N. E. 55) 666
- *v. Flagg* (17 N. Y. 584; s. c. 16 How. [N. Y.] Pr. 36) 1190, 1197, 1203, 1285, 1847, 2677
- People v. Flagg* (46 N. Y. 401) 170, 217, 218, 346, 2364, 2498, 2653
- *v. Flanagan* (66 N. Y. 237) 644, 2733
- *v. Fletcher* (3 Ill. 487) 2668
- *v. Flood* (64 N. Y. App. Div. 209; 71 N. Y. Supp. 1067) 811, 822, 2796
- *v. Florville* (207 Ill. 79; 69 N. E. 623) 2451
- *v. Foley* (148 N. Y. 677; 43 N. E. 171) 171
- *v. Folks* (89 N. Y. App. Div. 171; 85 N. Y. Supp. 1100) 707, 711
- *v. Forbes* (52 Hun [N. Y.] 30; 4 N. Y. Supp. 757) 1113
- *v. Fornes* (175 N. Y. 114; 67 N. E. 216) 650
- *v. Forrest* (97 N. Y. 97) 2432
- *v. Ft. Edward* (70 N. Y. 28) 575, 643, 656
- *v. Fort St. & E. R. Co.* (41 Mich. 413; 2 N. W. 188) 2078
- *v. Ft. Wayne & E. R. Co.* (92 Mich. 522; 52 N. W. 1010) 2007
- *v. French* (102 N. Y. 583; 7 N. E. 913) 802, 803, 809
- *v. French* (108 N. Y. 105; 15 N. E. 188, aff'g 44 Hun [N. Y.] 24) 758, 759, 760
- *v. French* (110 N. Y. 494; 18 N. E. 133) 801
- *v. French* (119 N. Y. 493; 23 N. E. 1058) 801
- *v. French* (119 N. Y. 502; 23 N. E. 1061) 801, 811, 816
- *v. French* (32 Hun [N. Y.] 112) 799
- *v. French* (46 Hun [N. Y.] 232) 758
- *v. French* (52 Hun [N. Y.] 90; 5 N. Y. Supp. 55) 801
- *v. Fromme* (30 N. Y. Misc. 323; 63 N. Y. Supp. 583) 2722
- *v. Fulton County* (14 Barb. [N. Y.] 56) 1185
- *v. Gadway* (61 Mich. 285; 28 N. W. 101; 1 Am. St. Rep. 578) 1001
- *v. Galesburg* (48 Ill. 485) 2729
- *v. Gardiner* (157 N. Y. 520; 52 N. E. 564, rev'g 33 N. Y. App. Div. 204; 53 N. Y. Supp. 451) 702
- *v. Gardner* (136 Mich. 693; 100 N. W. 126) 1024
- *v. Gardner* (143 Mich. 104; 106 N. W. 541) 914, 915
- *v. Garner* (47 Ill. 246) 654
- *v. General Electric R. Co.* (172 Ill. 129; 50 N. E. 158) 2018
- *v. Geneva* (98 N. Y. App. Div. 383; 90 N. Y. Supp. 275) 912

## TABLE OF CASES CITED

321

[References are to pages]

- People v. Geneva*, W. S. F. & C. I. T. Co. (112 N. Y. App. Div. 581; 98 N. Y. Supp. 719, aff'd 186 N. Y. 516; 78 N. E. 1109) 2061, 2066  
 — *v. Gibler* (78 Ill. App. 193) 2655  
 — *v. Gilbert* (18 Johns. [N. Y.] 227) 1887  
 — *v. Gilon* (126 N. Y. 147; 27 N. E. 282, rev'g 58 Hun [N. Y.] 76; 11 N. Y. Supp. 439) 2592, 2593  
 — *v. Gilroy* (72 Hun [N. Y.] 637; 25 N. Y. Supp. 880) 2796  
 — *v. Gilson* (109 N. Y. 389; 17 N. E. 343; 4 Am. St. Rep. 465) 1008  
 — *v. Girard* (145 N. Y. 105; 39 N. E. 823) 1007  
 — *v. Gleason* (121 N. Y. 631; 25 N. E. 4) 1223, 1224  
 — *v. Gleason* (32 N. Y. App. Div. 357; 53 N. Y. Supp. 7) 692  
 — *v. Gleason* (63 N. Y. App. Div. 435; 71 N. Y. Supp. 700) 822  
 — *v. Gloversville* (128 N. Y. App. Div. 44; 112 N. Y. Supp. 387) 1806  
 — *v. Glynn* (194 N. Y. 387; 87 N. E. 434, aff'g 127 N. Y. App. Div. 933; 111 N. Y. Supp. 1139) 2356  
 — *v. Goetting* (133 N. Y. 569; 30 N. E. 968) 819, 2668  
 — *v. Goodwin* (5 N. Y. 568) 2597  
 — *v. Gordon* (81 Mich. 306; 45 N. W. 658; 21 Am. St. Rep. 524) 1025  
 — *v. Governor* (29 Mich. 320; 18 Am. Rep. 89) 2660  
 — *v. Grady* (18 N. Y. App. Div. 332; 46 N. Y. Supp. 8) 802  
 — *v. Grant* (126 N. Y. 473; 27 N. E. 964) 938  
 — *v. Grant* (58 Hun [N. Y.] 455; 12 N. Y. Supp. 879) 938  
 — *v. Granville* (104 Ill. 285) 1516  
 — *v. Gray* (23 Cal. 125) 1295, 1298  
 — *v. Gray* (32 N. Y. App. Div. 458; 53 N. Y. Supp. 274) 707  
 — *v. Green* (58 N. Y. 304) 727  
 — *v. Green* (64 N. Y. 499; rev'g 6 Hun [N. Y.] 11) 1593  
 — *v. Green* (64 N. Y. 606) 463, 2923  
 — *v. Green* (85 N. Y. App. Div. 400; 83 N. Y. Supp. 460) 1064, 1065  
 — *v. Greene* (179 N. Y. 195; 71 N. E. 777, rev'g 91 N. Y. App. Div. 613; 86 N. Y. Supp. 1144) 813  
 — *v. Greene* (179 N. Y. 253; 72 N. E. 99, rev'g 94 N. Y. App. Div. 287; 87 N. Y. Supp. 1017) 813  
 — *v. Greene* (181 N. Y. 308; 73 N. E. 1111, rev'g 97 N. Y. App. Div. 502; 90 N. Y. Supp. 162) 757, 758  
 — *People v. Greene* (87 N. Y. App. Div. 346; 84 N. Y. Supp. 565) 820, 821, 2706  
 — *v. Greene* (87 N. Y. App. Div. 589; 84 N. Y. Supp. 673) 758  
 — *v. Greene* (89 N. Y. App. Div. 296; 85 N. Y. Supp. 866) 801, 812, 816  
 — *v. Greene* (91 N. Y. App. Div. 58; 86 N. Y. Supp. 322, aff'd 178 N. Y. 617; 70 N. E. 1106) 800, 801  
 — *v. Greene* (92 N. Y. App. Div. 243; 87 N. Y. Supp. 172) 816  
 — *v. Greene* (95 N. Y. App. Div. 397; 88 N. Y. Supp. 601) 2668, 2706  
 — *v. Greene* (96 N. Y. App. Div. 1; 88 N. Y. Supp. 1060, aff'd 181 N. Y. 550; 74 N. E. 1123) 816  
 — *v. Greene* (97 N. Y. App. Div. 404; 89 N. Y. Supp. 1067) 813  
 — *v. Greene* (104 N. Y. App. Div. 496; 93 N. Y. Supp. 720, aff'd 183 N. Y. 573; 76 N. E. 1103) 800  
 — *v. Greene* (106 N. Y. App. Div. 230; 94 N. Y. Supp. 477, aff'd 184 N. Y. 565; 76 N. E. 1103) 814  
 — *v. Greene County* (64 N. Y. 600) 2722  
 — *v. Green Island Water Co.* (56 Hun [N. Y.] 76; 9 N. Y. Supp. 168) 2209  
 — *v. Grout* (179 N. Y. 417; 72 N. E. 464) 210  
 — *v. Grout* (44 N. Y. Misc. 526; 90 N. Y. Supp. 122) 711  
 — *v. Grout* (45 N. Y. Misc. 47; 90 N. Y. Supp. 861) 2711  
 — *v. Guggenheimer* (44 N. Y. App. Div. 399; 60 N. Y. Supp. 703) 2719  
 — *v. Guggenheimer* (47 N. Y. App. Div. 9; 62 N. Y. Supp. 11) 2653  
 — *v. Guggenheimer* (28 N. Y. Misc. 735; 59 N. Y. Supp. 913) 2648  
 — *v. Guilfoyle* (61 N. Y. App. Div. 187; 70 N. Y. Supp. 442) 708, 820  
 — *v. Guilfoyle* (65 N. Y. App. Div. 498; 72 N. Y. Supp. 891) 791, 792, 822, 2797  
 — *v. Gunn* (85 Cal. 238; 24 Pac. 718) 114  
 — *v. Hall* (8 Colo. 485; 9 Pac. 34) 1292, 1295, 1309  
 — *v. Hall* (80 N. Y. 117) 652, 2729, 2730  
 — *v. Hall* (104 N. Y. 170; 10 N. E. 135) 668  
 — *v. Halsey* (53 Barb. [N. Y.] 547) 2708



[References are to pages]

- People *v.* Ham (59 N. Y. App. Div. 314; 69 N. Y. Supp. 283) 792, 801, 822  
 — *v.* Hamill (134 Ill. 666; 17 N. E. 799; 29 N. E. 280) 405  
 — *v.* Hamilton (84 N. Y. App. Div. 369; 82 N. Y. Supp. 884) 813  
 — *v.* Hamilton (98 N. Y. App. Div. 59; 90 N. Y. Supp. 547) 699, 703, 737, 738, 739, 820, 2656, 2672  
 — *v.* Hamilton County (75 N. Y. App. Div. 110; 77 N. Y. Supp. 620) 2666  
 — *v.* Hanes (44 N. Y. Misc. 475; 90 N. Y. Supp. 61) 2665  
 — *v.* Hanifan (96 Ill. 420) 725, 728  
 — *v.* Hanker (197 Ill. 409; 64 N. E. 253) 124, 2742  
 — *v.* Hannan (56 Hun [N. Y.] 469; 10 N. Y. Supp. 71, *aff'd* 125 N. Y. 691; 26 N. E. 751) 802, 811  
 — *v.* Hanrahan (75 Mich. 611; 42 N. W. 1124; 4 L. R. A. 751) 972  
 — *v.* Harper (67 Ill. 62) 585, 655, 661  
 — *v.* Harper (91 Ill. 357) 1081, 2231  
 — *v.* Harris (4 Cal. 9) 553  
 — *v.* Harris (203 Ill. 272; 67 N. E. 785; 96 Am. St. Rep. 304) 1878, 2708  
 — *v.* Harrison (185 Ill. 307; 56 N. E. 1120) 919  
 — *v.* Harshaw (60 Mich. 200; 26 N. W. 879; 1 Am. St. Rep. 498) 646, 649, 834, 835  
 — *v.* Hartwell (12 Mich. 508; 86 Am. Dec. 70) 2742, 2743  
 — *v.* Harvey (58 Cal. 337) 634  
 — *v.* Harwick (48 N. Y. App. Div. 559; 62 N. Y. Supp. 897) 2722  
 — *v.* Hatch (33 Ill. 9) 2706  
 — *v.* Haughran (55 N. Y. App. Div. 118; 67 N. Y. Supp. 49, *aff'g* 29 N. Y. Misc. 440; 61 N. Y. Supp. 932) 760  
 — *v.* Havnor (149 N. Y. 195; 43 N. E. 541; 31 L. R. A. 689; 52 Am. St. Rep. 707) 1096  
 — *v.* Hawley (3 Mich. 330) 556  
 — *v.* Hawxhurst (123 N. Y. App. Div. 65; 107 N. Y. Supp. 746) 1786  
 — *v.* Hayden (6 Hill [N. Y.] 359) 1661, 1662  
 — *v.* Hayden (80 Hun [N. Y.] 397; 30 N. Y. Supp. 332) 810  
 — *v.* Hayes (106 N. Y. App. Div. 563; 94 N. Y. Supp. 754) 737, 739, 819, 820, 822, 2672  
 — *v.* Hayt (66 N. Y. 606) 2706, 2714  
 — *v.* Hayward (19 N. Y. App. Div. 46; 46 N. Y. Supp. 1083) 696  
 People *v.* Hazelwood (116 Ill. 319; 6 N. E. 480) 257, 328  
 — *v.* Head (25 Ill. 325) 2669, 2673  
 — *v.* Heidelberg Garden Co. (233 Ill. 290; 84 N. E. 230, *aff'g* 124 Ill. App. 331) 2739  
 — *v.* Helt (116 Ill. App. 391) 2650, 2706  
 — *v.* Henry (62 Cal. 557) 665, 675  
 — *v.* Henry (47 N. Y. App. Div. 133; 62 N. Y. Supp. 102) 690, 791  
 — *v.* Henshaw (76 Cal. 436; 18 Pac. 413) 257, 259, 261, 263, 265, 279, 1118  
 — *v.* Hepler (240 Ill. 196; 88 N. E. 491) 2740  
 — *v.* Herbel (96 Ill. 384) 1704  
 — *v.* Hertle (46 N. Y. App. Div. 505; 60 N. Y. Supp. 23; 61 N. Y. Supp. 965) 703  
 — *v.* Hess (157 N. Y. 42; 51 N. E. 410) 2433  
 — *v.* Higgins (15 Ill. 110) 788, 792  
 — *v.* Higgins (3 Mich. 233; 61 Am. Dec. 491) 643  
 — *v.* Highway Com'rs (88 Ill. 45) 2647  
 — *v.* Highway Com'rs ([Ill.], 22 N. E. 596) 2662  
 — *v.* Hill (7 Cal. 97) 144, 180, 677  
 — *v.* Hillhouse (1 Lans. [N. Y.] 87) 2794  
 — *v.* Hilliard (29 Ill. 413) 2669, 2673, 2706, 2715  
 — *v.* Hills (35 N. Y. 449) 138, 139  
 — *v.* Hillsdale & C. T. Co. (2 Johns. [N. Y.] 190) 2738  
 — *v.* Hinsdale (43 N. Y. Misc. 182; 88 N. Y. Supp. 206) 2669, 2740  
 — *v.* Hoffman (116 Ill. 587; 5 N. E. 596; 8 N. E. 788; 56 Am. Rep. 793) 109, 257, 291, 639, 688  
 — *v.* Hoffman (98 N. Y. App. Div. 4; 90 N. Y. Supp. 184) 713, 802  
 — *v.* Hogan (101 N. Y. App. Div. 216; 91 N. Y. Supp. 715) 813  
 — *v.* Hoge (55 Cal. 612) 113, 114  
 — *v.* Holden (28 Cal. 123) 2730  
 — *v.* Holden (91 Ill. 446) 585  
 — *v.* Holladay (93 Cal. 241; 29 Pac. 54; 27 Am. St. Rep. 186) 202  
 — *v.* Holly (119 Mich. 637; 78 N. W. 665; 75 Am. St. Rep. 435) 449, 551  
 — *v.* Holmes (2 Wend. [N. Y.] 281) 681  
 — *v.* Home Ins. Co. (29 Cal. 533) 2321, 2415, 2439  
 — *v.* Hopson (1 Denio [N. Y.] 574) 842  
 — *v.* Horan (34 Colo. 304; 86 Pac. 252) 117



## TABLE OF CASES CITED

323

[References are to pages]

- People v. Horton** (64 N. Y. 610, aff'g 5 Hun [N. Y.] 516) 1861  
 — **v. Horton** (41 N. Y. Misc. 309; 84 N. Y. Supp. 942) 1055  
 — **v. Howe** (177 N. Y. 499; 69 N. E. 1114) 2747  
 — **v. Howland** (155 N. Y. 270; 49 N. E. 775) 169, 623, 624  
 — **v. Hubbell** (38 N. Y. App. Div. 194; 56 N. Y. Supp. 642) 822  
 — **v. Hudson** (109 Ill. App. 6) 771  
 — **v. Hudson H. Com'rs** (6 Wend. [N. Y.] 559) 2721  
 — **v. Hudson H. Com'rs** (7 Wend. [N. Y.] 474) 2952  
 — **v. Hulburt** (46 N. Y. 110) 570  
 — **v. Humphrey** (156 N. Y. 231; 50 N. E. 860, rev'g 22 N. Y. App. Div. 632; 48 N. Y. Supp. 1112) 810; 811  
 — **v. Hurford** (167 Ill. 226; 47 N. E. 368) 2452  
 — **v. Hurlburt** (24 Mich. 44; 9 Am. Rep. 103) 26, 59, 62, 130, 137, 153, 160, 163, 176, 183, 184, 187, 557, 639, 675, 2396  
 — **v. Hyde** (89 N. Y. 11) 791  
 — **v. Hyde Park** (117 Ill. 462; 6 N. E. 33) 1647, 1837, 2584, 2647  
 — **v. Hynes** (101 N. Y. App. Div. 453; 91 N. Y. Supp. 1032) 795, 822  
 — **v. Ihnken** (129 Mich. 466; 89 N. W. 72) 846, 876, 877  
 — **v. Ingersoll** (58 N. Y. 1; 17 Am. Rep. 178) 179, 182, 188, 190, 2759, 2761, 2762  
 — **v. Ingham** (107 N. Y. App. Div. 41; 94 N. Y. Supp. 733, aff'd 183 N. Y. 547; 76 N. E. 1102) 692  
 — **v. Ingham County** (20 Mich. 95) 1835, 1836  
 — **v. Interurban St. Ry. Co.** (177 N. Y. 296; 69 N. E. 596) 2651  
 — **v. Jackson** (92 Ill. 444) 585, 2681  
 — **v. Jackson** (7 Mich. 432; 74 Am. Dec. 729) 1743, 1784  
 — **v. Jackson** (8 Mich. 110) 968, 971, 977  
 — **v. Jaehne** (103 N. Y. 182; 8 N. E. 374) 32, 447  
 — **v. James** (16 Hun [N. Y.] 426) 1853, 1854  
 — **v. Johnson** (30 Cal. 98) 952, 978  
 — **v. Johnson** (34 Colo. 143; 86 Pac. 233) 65, 113, 117  
 — **v. Johnson** (100 Ill. 537; 39 Am. Rep. 63) 1294, 1295, 1299, 1300  
 — **v. Johr** (22 Mich. 461) 683  
 — **v. Jones** (7 Colo. 475) 443  
 — **v. Jones** (6 Mich. 176) 1689, 1724, 1736, 1742  
 — **People v. Justices** (74 N. Y. 406) 1126  
 — **v. Justices** (7 Hun [N. Y.] 214) 903  
 — **v. Justices** (78 Hun [N. Y.] 334; 29 N. Y. Supp. 157) 820  
 — **v. Kaufman** (121 N. Y. App. Div. 599; 106 N. Y. Supp. 305) 2794  
 — **v. Kearny** (164 N. Y. 64; 58 N. E. 14, aff'g 49 N. Y. App. Div. 125; 62 N. Y. Supp. 1097) 694, 708  
 — **v. Kearny** (44 N. Y. App. Div. 449; 61 N. Y. Supp. 41, aff'd 161 N. Y. 648; 57 N. E. 1121) 739, 820, 2672  
 — **v. Keating** (166 N. Y. 601; 59 N. E. 1128, aff'g 55 N. Y. App. Div. 555; 67 N. Y. Supp. 413) 2061  
 — **v. Keating** (168 N. Y. 390; 61 N. E. 637, rev'g 62 N. Y. App. Div. 348; 71 N. Y. Supp. 97) 1786, 1867, 1870, 2708  
 — **v. Keating** (49 N. Y. App. Div. 123; 63 N. Y. Supp. 71) 713, 806, 821  
 — **v. Keeler** (29 Hun [N. Y.] 175) 169  
 — **v. Keeling** (4 Colo. 129) 642  
 — **v. Keeper of Prison** (121 N. Y. App. Div. 645; 106 N. Y. Supp. 314, rev'g 55 N. Y. Misc. 611; 106 N. Y. Supp. 960) 1088  
 — **v. Keller** (157 N. Y. 90; 51 N. E. 431, aff'g 31 N. Y. App. Div. 248; 52 N. Y. Supp. 950) 804  
 — **v. Keller** (158 N. Y. 187; 52 N. E. 1107, aff'g 35 N. Y. App. Div. 493; 54 N. Y. Supp. 1011) 804  
 — **v. Kelly** (76 N. Y. 475) 521, 1567, 2101, 2102  
 — **v. Kelly** (5 Abb. [N. Y.] New Cas. 383; 76 N. Y. 475) 210, 218, 2694  
 — **v. Kelsey** (34 Cal. 470) 2396  
 — **v. Kent** (160 Ill. 655; 43 N. E. 760) 1223, 1224  
 — **v. Kerr** (27 N. Y. 188) 196, 1699, 1796, 1835, 1932, 1948, 1979, 1991, 2001, 2024, 2103  
 — **v. Kibler** (106 N. Y. 321; 12 N. E. 795) 1007  
 — **v. Kilduff** (15 Ill. 492; 60 Am. Dec. 769) 650, 2669, 2671, 2673  
 — **v. Kimball** (4 Mich. 95) 1670  
 — **v. King** (13 N. Y. App. Div. 400; 42 N. Y. Supp. 961) 713, 806  
 — **v. Kings County** (89 Hun [N. Y.] 38; 34 N. Y. Supp. 1128) 2668  
 — **v. Kingman** (24 N. Y. 545) 1743  
 — **v. Kingston** (189 N. Y. 66; 81 N. E. 557) 2451  
 — **v. Kingston** (53 N. Y. App. Div. 58; 65 N. Y. Supp. 590) 2619

[References are to pages]

- People v. Kip* (4 Cow. [N. Y.] 383) 2668
- *v. Kipley* (171 Ill. 44; 49 N. E. 229; 170 U. S. 182) 291, 638, 686, 687, 688, 689, 696, 701, 704, 705, 784, 787, 2711
- *v. Kirk* (162 Ill. 138; 45 N. E. 830; 53 Am. St. Rep. 277) 1804
- *v. Klopke* (92 Ill. 134) 1285, 1317
- *v. Klumpke* (41 Cal. 263) 1722
- *v. Knauber* (163 N. Y. 23; 57 N. E. 161, aff'g 43 N. Y. App. Div. 342; 60 N. Y. Supp. 298) 693
- *v. Knight* (13 Mich. 424) 642
- *v. Kniskern* (54 N. Y. 52) 1646
- *v. Knopf* (171 Ill. 191; 49 N. E. 424) 2388, 2390
- *v. Knopf* (183 Ill. 410; 56 N. E. 155) 275, 277, 279, 280, 281
- *v. Knox* (166 N. Y. 444; 60 N. E. 17, rev'g 54 N. Y. App. Div. 634; 67 N. Y. Supp. 1142) 710
- *v. Knox* (45 N. Y. App. Div. 518; 61 N. Y. Supp. 469) 698, 703
- *v. Knox* (45 N. Y. App. Div. 537; 61 N. Y. Supp. 472) 693, 804
- *v. Knox* (48 N. Y. App. Div. 477; 62 N. Y. Supp. 940) 710
- *v. Knox* (54 N. Y. App. Div. 334; 66 N. Y. Supp. 984) 710
- *v. Knox* (57 N. Y. App. Div. 155; 68 N. Y. Supp. 267) 710
- *v. Knox* (58 N. Y. App. Div. 541; 69 N. Y. Supp. 602, aff'd 167 N. Y. 620; 60 N. E. 1118) 694, 710
- *v. Knox* (66 N. Y. App. Div. 517; 73 N. Y. Supp. 361) 692
- *v. Knox* (71 N. Y. App. Div. 306; 75 N. Y. Supp. 896) 710
- *v. Knox* (78 N. Y. App. Div. 344; 79 N. Y. Supp. 989) 693
- *v. Kohlsaat* (168 Ill. 37; 48 N. E. 81) 2707
- *v. La Grange* (2 N. Y. App. Div. 444; 37 N. Y. Supp. 991) 796
- *v. LaGrange* (7 N. Y. App. Div. 311; 40 N. Y. Supp. 1026) 806
- *v. Lake Shore & M. S. R. Co.* (52 Mich. 277; 17 N. W. 841) 1617
- *v. Lake St. Elev. R. Co.* (54 Ill. App. 348) 1975
- *v. Lambier* (5 Denio [N. Y.] 9; 47 Am. Dec. 273) 511, 1701, 1717
- *v. Lantry* (48 N. Y. App. Div. 131; 62 N. Y. Supp. 630) 820, 821
- *v. Lantry* (40 N. Y. Misc. 428; 82 N. Y. Supp. 261) 2725
- *v. La Rue* (67 Cal. 526; 8 Pac. 84) 63
- *v. La Salle County* (84 Ill. 303; 25 Am. Rep. 461) 2657, 2661
- People v. La Salle County* (111 Ill. 527) 1799
- *v. Latham* (203 Ill. 9; 67 N. E. 403) 2549, 2551, 2552
- *v. Lathrop* (142 N. Y. 113; 36 N. E. 805) 791
- *v. Lawrence* (6 Hill [N. Y.] 244) 563, 2694
- *v. Lawrence* (94 N. Y. Supp. 820) 2798
- *v. Lee* (112 Ill. 113) 893
- *v. Leonard* (73 Cal. 230; 14 Pac. 853) 639, 727
- *v. Levee Dist.* (131 Cal. 30; 63 Pac. 342) 242, 334
- *v. Lewis* (86 Mich. 273; 49 N. W. 140) 1054
- *v. Lewis* (111 N. Y. App. Div. 375; 97 N. Y. Supp. 1057, aff'd 186 N. Y. 583; 79 N. E. 1113) 811
- *v. Lewis* (7 Johns. [N. Y.] 73) 762
- *v. Lieb* (85 Ill. 484) 2647
- *v. Lindblom* (182 Ill. 241; 55 N. E. 358) 821
- *v. Lindenthal* (173 N. Y. 524; 66 N. E. 407, rev'g 79 N. Y. App. Div. 43; 79 N. Y. Supp. 828) 714, 2722
- *v. Lindenthal* (77 N. Y. App. Div. 515; 78 N. Y. Supp. 997) 2652
- *v. Lingle* (165 Ill. 65; 46 N. E. 10) 2454
- *v. Lippincott* (81 Ill. 193) 1498
- *v. Listman* (84 N. Y. App. Div. 633; 82 N. Y. Supp. 784) 2648
- *v. Little* (86 Mich. 125; 48 N. W. 693) 1853
- *v. Little Valley* (75 N. Y. 316) 2950
- *v. Lochner* (177 N. Y. 145; 69 N. E. 373; 101 Am. St. Rep. 773) 208
- *v. Lodi High School Dist.* (124 Cal. 694; 57 Pac. 660) 328
- *v. Loeffler* (175 Ill. 585; 51 N. E. 785) 686, 687, 688, 689, 690
- *v. Logan County* (45 Ill. 162) 1534
- *v. Logan County* (63 Ill. 374) 584, 2720, 2721
- *v. Lohnas* (54 Hun [N. Y.] 604; 8 N. Y. Supp. 104) 333
- *v. Londoner* (13 Colo. 303; 22 Pac. 764) 2794
- *v. Long Island R. Co.* (134 N. Y. 506; 31 N. E. 873) 150
- *v. Loomis* (8 Wend. [N. Y.] 396; 24 Am. Dec. 33) 645, 2743, 2745
- *v. Lord* (6 Hun [N. Y.] 390) 1168
- *v. Los Angeles Independent Gas Co.* (150 Cal. 557; 89 Pac. 108) 2120, 2127, 2138
- *v. Lothrop* (3 Colo. 428) 846

[References are to pages]

- People v. Love (19 Cal. 676) 609  
 — v. Lowber (28 Barb. [N. Y.] 65; s. c. 7 Abb. [N. Y.] Pr. 158) 1074, 2760  
 — v. Lyman (157 N. Y. 368; 52 N. E. 132, aff'g 30 N. Y. App. Div. 135; 50 N. Y. Supp. 444; 51 N. Y. Supp. 641) 698, 702, 708  
 — v. Lynch (51 Cal. 15; 21 Am. Rep. 677) 28, 153, 222, 231, 2504, 2505, 2565  
 — v. McAdams (82 Ill. 356) 199, 2388, 2389  
 — v. McAdoo (98 N. Y. App. Div. 190; 90 N. Y. Supp. 669) 800  
 — v. McAdoo (98 N. Y. App. Div. 312; 90 N. Y. Supp. 689) 736, 737, 738, 739, 820, 2672  
 — v. McAdoo (108 N. Y. App. Div. 1; 95 N. Y. Supp. 400, aff'd 185 N. Y. 537; 77 N. E. 1194) 710  
 — v. McAdoo (110 N. Y. App. Div. 432; 96 N. Y. Supp. 362) 709, 819, 2668, 2731  
 — v. McAdoo (110 N. Y. App. Div. 740; 96 N. Y. Supp. 445, aff'd 184 N. Y. 575; 77 N. E. 1193) 708  
 — v. McAdoo (110 N. Y. App. Div. 894; 96 N. Y. Supp. 1069) 2672  
 — v. McAdoo (112 N. Y. App. Div. 32; 98 N. Y. Supp. 40) 813  
 — v. McAdoo (113 N. Y. App. Div. 770; 99 N. Y. Supp. 324) 691, 692, 701, 802  
 — v. McAdoo (114 N. Y. App. Div. 100; 99 N. Y. Supp. 600) 803  
 — v. McAdoo (117 N. Y. App. Div. 438; 102 N. Y. Supp. 656) 801  
 — v. McAllister (10 Utah, 357; 37 Pac. 578) 792  
 — v. McCammon (111 Mo. App. 626; 86 S. W. 510) 1013  
 — v. McCartney (28 N. Y. App. Div. 138; 50 N. Y. Supp. 919) 706, 820, 2706  
 — v. McCartney (34 N. Y. App. Div. 19; 53 N. Y. Supp. 1047) 810, 811  
 — v. McCartney (36 N. Y. App. Div. 39; 55 N. Y. Supp. 156) 706  
 — v. McClave (102 N. Y. 468; 7 N. E. 406, aff'g 39 Hun [N. Y.] 511) 756  
 — v. McClave (123 N. Y. 512; 25 N. E. 1047) 784, 811  
 — v. McClellan (107 N. Y. App. Div. 272; 94 N. Y. Supp. 1107) 1641, 2740, 2797  
 — v. McClintock (45 Cal. 11) 563, 1558  
 — v. McCooey (100 N. Y. App. Div. 240; 91 N. Y. Supp. 436) 692  
 People v. McCreery (34 Cal. 432) 2312, 2435, 2444, 2446, 2469, 2504  
 — v. McCue (74 N. Y. App. Div. 40; 77 N. Y. Supp. 303) 2609  
 — v. McDonald (69 N. Y. 362) 28, 170, 2636  
 — v. McDonald (52 N. Y. Supp. 898) 2710  
 — v. McFadden (81 Cal. 489; 22 Pac. 851; 15 Am. St. Rep. 66) 309, 324, 325, 334  
 — v. McFadden (75 N. Y. App. Div. 264; 78 N. Y. Supp. 87) 703  
 — v. McGoldrick (24 N. Y. Civ. Proc. R. 292; 33 N. Y. Supp. 441) 2651  
 — v. McGuire (31 N. Y. Misc. 324; 65 N. Y. Supp. 463) 1401, 2707  
 — v. McIntyre (154 N. Y. 628; 49 N. E. 70) 2779  
 — v. McKee (68 N. Car. 429) 148  
 — v. McKinney (52 N. Y. 374) 168, 171, 679  
 — v. McLean (57 Hun [N. Y.] 141; 10 N. Y. Supp. 803) 811  
 — v. McMurray (27 Colo. 277; 61 Pac. 226) 2656  
 — v. McRoberts (62 Ill. 38) 1670, 2939  
 — v. McWethy (165 Ill. 222; 46 N. E. 187) 2626  
 — v. McWilliams (185 N. Y. 92; 77 N. E. 785, rev'g 100 N. Y. App. Div. 176; 91 N. Y. Supp. 675) 691, 692, 699, 701, 817, 821, 2648  
 — v. McWilliams (91 N. Y. App. Div. 176; 86 N. Y. Supp. 357) 1086  
 — v. Mabie (142 N. Y. 343; 37 N. E. 115) 616  
 — v. Magee (55 N. Y. App. Div. 195; 66 N. Y. Supp. 849) 814, 815, 816  
 — v. Magee (57 N. Y. App. Div. 281; 67 N. Y. Supp. 906) 816  
 — v. Mahaney (13 Mich. 481) 135, 137, 153, 176, 646, 728  
 — v. Maher (141 N. Y. 330; 36 N. E. 396) 1786, 1787, 1880, 1897, 2656  
 — v. Maher (56 Hun [N. Y.] 81; 9 N. Y. Supp. 94) 1262  
 — v. Manhattan Gas Co. (45 Barb. [N. Y.] 136) 2205, 2209, 2219, 2221, 2222  
 — v. Marin County (103 Cal. 223; 37 Pac. 203) 1686, 1690, 1705, 1706  
 — v. Marsh (21 N. Y. App. Div. 88; 47 N. Y. Supp. 395) 2714  
 — v. Marsh (82 N. Y. App. Div. 571; 81 N. Y. Supp. 579, aff'd 178 N. Y. 618; 70 N. E. 1107) 2706

[References are to pages]

People v. Marsh (2 Cow. [N. Y.] 485)	2653	People v. Mellen (32 Ill. 181)	137
— v. Martin (60 Cal. 153)	2469	— v. Metropolitan Police Board (19 N. Y. 188)	170, 636, 674
— v. Martin (19 Colo. 565; 36 Pac. 543)	794	— v. Metropolitan Police Board (26 N. Y. 316)	2672, 2721
— v. Martin (178 Ill. 611; 53 N. E. 309)	64, 65, 257, 265, 280, 296	— v. Metropolitan Pol. Board (39 N. Y. 506)	2794
— v. Martin (5 N. Y. 22)	833, 867	— v. Metz (119 N. Y. App. Div. 271; 104 N. Y. Supp. 649, aff'd 189 N. Y. 550; 82 N. E. 1131)	1846
— v. Martin (131 N. Y. 196; 30 N. E. 60)	759	— v. Metz (134 N. Y. App. Div. 533; 119 N. Y. Supp. 585)	2626
— v. Martin (142 N. Y. 228; 36 N. E. 885; 40 Am. St. Rep. 584)	2796	— v. Metzker (47 Cal. 524)	649, 650
— v. Martin (142 N. Y. 352; 37 N. E. 117)	816	— v. Michigan Univ. Regents (4 Mich. 98)	2708
— v. Martin (143 N. Y. 407; 38 N. E. 460)	803	— v. Millard (133 N. Y. App. Div. 139; 117 N. Y. Supp. 474)	2647, 2654
— v. Martin (145 N. Y. 253; 39 N. E. 960)	757, 759	— v. Miller (144 Ill. App. 630)	2732
— v. Martin (17 N. Y. App. Div. 555; 45 N. Y. Supp. 577, aff'd 154 N. Y. 775; 49 N. E. 1102)	813, 814	— v. Miller (24 Mich. 458; 9 Am. Rep. 131)	745, 747, 748
— v. Martin (28 N. Y. App. Div. 73; 50 N. Y. Supp. 897)	801, 816	— v. Miller (178 N. Y. 194; 70 N. E. 472)	2331, 2337, 2338, 2346, 2348
— v. Martin (53 N. Y. App. Div. 19; 65 N. Y. Supp. 457)	696	— v. Miller (181 N. Y. 328; 73 N. E. 1102, aff'g 98 N. Y. App. Div. 584; 90 N. Y. Supp. 755)	2356
— v. Martin (91 Hun [N. Y.] 425; 36 N. Y. Supp. 851)	802, 803	— v. Milliken (185 N. Y. 35; 77 N. E. 872, aff'g 110 N. Y. App. Div. 579; 97 N. Y. Supp. 223)	691
— v. Marx (99 N. Y. 377; 2 N. E. 29; 52 Am. Rep. 34)	554, 1007	— v. Miner (2 Lansing [N. Y.] 296)	2760
— v. Mathewson (47 Cal. 442)	641	— v. Mineral Marsh Drainage Dist. (193 Ill. 428; 62 N. E. 225)	2741
— v. Matsell (94 N. Y. 179)	757	— v. Mitchell (35 N. Y. 551)	569, 581, 1524
— v. Matteson (17 Ill. 167)	645, 2668, 2669	— v. Monroe (97 N. Y. App. Div. 283; 89 N. Y. Supp. 929)	814
— v. Matthies (179 N. Y. 242; 72 N. E. 103)	2656	— v. Monroe (99 N. Y. App. Div. 290; 90 N. Y. Supp. 907)	807
— v. Mauran (5 Denio [N. Y.] 389)	1569	— v. Monroe (105 N. Y. App. Div. 61; 93 N. Y. Supp. 898)	813
— v. Maxon (139 Ill. 306; 28 N. E. 1074)	1893	— v. Monroe (106 N. Y. App. Div. 607; 94 N. Y. Supp. 366)	2798
— v. Maxwell (177 N. Y. 494; 69 N. E. 1092, rev'g 87 N. Y. App. Div. 131; 83 N. Y. Supp. 1098)	788	— v. Morgan (90 Ill. 558)	109
— v. Maxwell (87 N. Y. App. Div. 391; 84 N. Y. Supp. 947)	820, 2706	— v. Morgan (55 N. Y. 587)	1537
— v. May (9 Colo. 80; 10 Pac. 641)	346, 353, 354, 355	— v. Morgan (178 N. Y. 433; 70 N. E. 967, rev'g 86 N. Y. App. Div. 577; 83 N. Y. Supp. 998)	2416
— v. May (9 Colo. 414; 15 Pac. 36)	377, 406, 1496	— v. Morrell (21 Wend. [N. Y.] 563)	130, 628, 728
— v. Maynard (15 Mich. 463)	121, 122, 443, 2735, 2736, 2769	— v. Morris (13 Wend. [N. Y.] 325)	9, 59, 127, 143, 144, 177, 181, 443
— v. Mays (117 Ill. 257; 7 N. E. 660)	792	— v. Morrison (54 N. Y. App. Div. 262; 66 N. Y. Supp. 519, aff'd 165 N. Y. 644; 59 N. E. 1128)	2656
— v. Mead (24 N. Y. 114)	570, 1294, 1405	— v. Morse (43 Cal. 534)	196
— v. Mead (36 N. Y. 224)	1428, 1436, 1439, 1534, 1538, 1544	— v. Morton (148 N. Y. 156; 42 N. E. 538)	704, 791, 793
— v. Medical Society (24 Barb. [N. Y.] 570)	783		

## TABLE OF CASES CITED

327

[References are to pages]

- People v. Morton (156 N. Y. 136;  
 50 N. E. 791; 68 Am. St. Rep.  
 547) 821, 2660, 2725  
 — v. Mosher (163 N. Y. 32; 57  
 N. E. 88; 79 Am. St. Rep. 552,  
 aff'g 45 N. Y. App. Div. 68;  
 61 N. Y. Supp. 452) 690, 709,  
 712  
 — v. Moss (34 N. Y. App. Div.  
 475; 54 N. Y. Supp. 262) 811  
 — v. Moss (50 N. Y. App. Div.  
 308; 63 N. Y. Supp. 912, aff'd  
 165 N. Y. 606; 58 N. E. 1090) 800  
 — v. Mott (1 How. Pr. [N. Y.]  
 247) 887  
 — v. Mould (37 N. Y. App.  
 Div. 35; 55 N. Y. Supp. 453) 501  
 — v. Mount (186 Ill. 560; 58  
 N. E. 360, aff'g 87 Ill. App. 194) 834,  
 840, 894, 897, 898, 900, 905, 1018,  
 1022, 2451  
 — v. Muh (101 N. Y. App. Div.  
 423; 92 N. Y. Supp. 22) 2923  
 — v. Mulholland (82 N. Y.  
 324; 37 Am. Rep. 568) 995, 1029  
 — v. Mullender (132 Cal. 217;  
 64 Pac. 299) 334  
 — v. Murray (15 Cal. 321) 634  
 — v. Murray (57 Mich. 396; 24  
 N. W. 118) 889, 905  
 — v. Murray (73 N. Y. 535) 599,  
 844, 2744  
 — v. Murray (149 N. Y. 367;  
 44 N. E. 146) 315  
 — v. Mutual Gas. Co. (38  
 Mich. 154) 2739  
 — v. Myers (138 N. Y. 590; 34  
 N. E. 372, aff'g 66 Hun [N. Y.]  
 167; 21 N. Y. Supp. 79) 1320  
 — v. Myring (144 Cal. 351; 77  
 Pac. 975) 1710  
 — v. Nally (49 Cal. 478) 128  
 — v. Nearing (27 N. Y. 306) 1637  
 — v. Neff (19 N. Y. App. Div.  
 590; 46 N. Y. Supp. 385, aff'd  
 154 N. Y. 763; 49 N. E. 1102) 2421  
 — v. Nelson (133 Ill. 565; 27  
 N. E. 217) 63, 109, 2389  
 — v. Nevada (6 Cal. 143) 616  
 — v. Newburgh & S. P. R. Co.  
 (86 N. Y. 1) 249  
 — v. New York (32 N. Y. 473) 2653  
 — v. New York (64 N. Y. 627) 2678  
 — v. New York (77 N. Y. 45) 2652  
 — v. New York (82 N. Y. 491) 793  
 — v. New York (166 N. Y. 154;  
 59 N. E. 769) 2651  
 — v. New York (129 N. Y. App.  
 Div. 551; 114 N. Y. Supp. 312) 2218  
 — v. New York (3 N. Y. Misc.  
 131; 23 N. Y. Supp. 1060) 1147  
 — v. New York (20 N. Y. Misc.  
 189; 45 N. Y. Supp. 900) 1870  
 People v. New York (9 Abb. [N. Y.]  
 Pr. 253; 10 Abb. [N. Y.] Pr.  
 144) 916, 2760  
 — v. New York (11 Abb. Pr.  
 [N. Y.] 166) 671, 673, 1239  
 — v. New York (5 Barb. [N. Y.] 43) 677  
 — v. New York (32 Barb. [N.  
 Y.] 102) 916, 2760  
 — v. New York (1 Hill [N. Y.]  
 362) 733, 740, 1180, 2653, 2657  
 — v. New York (2 Hill [N. Y.]  
 9) 1135, 1656, 2793, 2795, 2798  
 — v. New York (52 Hun [N. Y.]  
 483; 5 N. Y. Supp. 538) 799  
 — v. New York (7 How. Pr. R.  
 [N. Y.] 81) 979  
 — v. New York (3 Johns [N. Y.]  
 Cas. 79) 2669, 2732  
 — v. New York (10 Wend. [N. Y.]  
 393) 2649, 2650  
 — v. New York (25 Wend. [N.  
 Y.] 680) 2650, 2652  
 — v. New York & H. R. Co. (45  
 Barb. [N. Y.] 73) 1979  
 — v. New York & S. I. Ferry  
 Co. (68 N. Y. 71) 475, 487, 497  
 — v. New York Bd. of Pol. (107  
 N. Y. 235; 13 N. E. 920) 2648  
 — v. New York Board of R.  
 Com'rs (158 N. Y. 711; 53 N.  
 E. 1129, aff'g 32 N. Y. App.  
 Div. 179; 52 N. Y. Supp. 908) 2796  
 — v. New York Board of R.  
 Com'rs (160 N. Y. 202; 54 N.  
 E. 697) 2797  
 — v. New York Board of R.  
 Com'rs (52 N. Y. Supp. 908) 2796  
 — v. New York Carbonic Acid  
 Gas Co. (128 N. Y. App. Div.  
 42; 112 N. Y. Supp. 381) 2108  
 — v. New York Cent. & H. R.  
 R. Co. (74 N. Y. 302) 2080  
 — v. New York Cent. & H. R.  
 R. Co. (156 N. Y. 570; 51 N.  
 E. 312) 1614  
 — v. New York Central & H. R.  
 R. Co. (158 N. Y. 410; 53 N. E.  
 166, aff'g 31 N. Y. App. Div. 334;  
 52 N. Y. Supp. 234) 2064  
 — v. New York Cent. & H. R.  
 R. Co. (168 N. Y. 187; 61 N.  
 E. 172) 2649  
 — v. New York City Civil Ser-  
 vice Board (5 N. Y. App. Div.  
 164; 39 N. Y. Supp. 75) 712  
 — v. New York City Civil Ser-  
 vice Bd. (13 N. Y. App. Div.  
 309; 43 N. Y. Supp. 191) 693  
 — v. New York County (5 Cow.  
 [N. Y.] 331) 1320  
 — v. New York Health Dept.  
 (117 N. Y. App. Div. 856; 103  
 N. Y. Supp. 275) 904



[References are to pages]

- People v. New York Suburban Water Co.* (38 N. Y. App. Div. 413; 56 N. Y. Supp. 364) 2209
- *v. New York Tax Com'rs* (58 N. Y. 242, aff'g 1 Hun [N. Y.] 143) 2418
- *v. New York Tax Com'rs* (59 N. Y. 40) 2408
- *v. New York Tax Com'rs* (64 N. Y. 541, aff'g 5 Hun [N. Y.] 200) 2408, 2418
- *v. New York Tax Com'rs* (82 N. Y. 462) 2419
- *v. New York Tax Com'rs* (95 N. Y. 554) 2444
- *v. New York Tax Com'rs* (174 N. Y. 417; 67 N. E. 69; 105 Am. St. Rep. 674, aff'd 199 U. S. 1) 2420, 2421, 2444
- *v. New York Tax Com'rs* (126 N. Y. App. Div. 610; 110 N. Y. Supp. 577, aff'd 195 N. Y. 618; 89 N. E. 1109) 2422
- *v. New Rochelle* (17 N. Y. App. Div. 603; 45 N. Y. Supp. 836) 2796
- *v. Newton* (112 N. Y. 396; 19 N. E. 831) 1980
- *v. Nichols* (79 N. Y. 582, rev'g 18 Hun [N. Y.] 539) 793, 809, 810, 822
- *v. Niles* (35 Cal. 282) 2408
- *v. Nixon* (158 N. Y. 221; 52 N. E. 1117, aff'g 32 N. Y. App. Div. 513; 53 N. Y. Supp. 230) 695, 706
- *v. Nolan* (101 N. Y. 539; 5 N. E. 446) 748
- *v. North* (72 N. Y. 124) 634, 652
- *v. North Chicago R. Co.* (88 Ill. 537) 2740, 2741
- *v. North Pac. Coast R. Co.* (68 Cal. 551; 10 Pac. 45) 2484
- *v. North San Francisco H. & R. Assoc.* (38 Cal. 564) 2761
- *v. Nostrand* (46 N. Y. 375) 467, 727, 842, 2664
- *v. Nyland* (41 Cal. 129) 1118
- *v. Oakland* (92 Cal. 611; 28 Pac. 807) 116
- *v. Oakland* (123 Cal. 598; 56 Pac. 445) 115, 617, 621
- *v. Oakland Co. Bank* (1 Doug. [Mich.] 282) 451, 2743
- *v. Oakland Water Front Co.* (118 Cal. 234; 50 Pac. 305) 492
- *v. O'Brien* (38 N. Y. 193) 138
- *v. O'Brien* (111 N. Y. 1; 18 N. E. 692; 2 L. R. A. 255; 7 Am. St. Rep. 684) 920, 1760, 1984, 2050, 2053, 2139, 2141, 2149, 2150, 2273
- People v. O'Brien* (9 N. Y. App. Div. 428; 41 N. Y. Supp. 529) 703, 811
- *v. O'Donnel* (183 N. Y. 9; 75 N. E. 540, rev'g 106 N. Y. App. Div. 526; 94 N. Y. Supp. 884) 2363, 2366
- *v. Ogden* (41 N. Y. Misc. 246; 84 N. Y. Supp. 73) 2667
- *v. Ogdensburgh* (48 N. Y. 390) 2408, 2415, 2424, 2794
- *v. Oldtown* (88 Ill. 202) 584, 585
- *v. Olsen* (215 Ill. 620; 74 N. E. 785) 2707
- *v. Onahan* (170 Ill. 449; 48 N. E. 1003) 280, 310
- *v. Oneida County* (170 N. Y. 105; 62 N. E. 1092) 169, 170
- *v. O'Neil* (109 N. Y. 251; 16 N. E. 68) 447
- *v. Onondaga* (16 Mich. 254) 222, 347
- *v. Ontario* (148 Cal. 625; 84 Pac. 205) 108
- *v. Oran* (121 Ill. 650; 13 N. E. 726) 1902
- *v. Orange Co. Road Const. Co.* (175 N. Y. 84; 67 N. E. 129; 65 L. R. A. 33) 210
- *v. Oulton* (28 Cal. 44) 717, 718
- *v. Overysel* (11 Mich. 222) 1144, 1147, 1149
- *v. Owens* (231 Ill. 311; 83 N. E. 198) 2604
- *v. Owers* (29 Colo. 536; 69 Pac. 515) 2734
- *v. Pace* (57 Ill. App. 674) 680, 683
- *v. Pacheco* (29 Cal. 210) 354, 2709
- *v. Page* (105 N. Y. App. Div. 212; 94 N. Y. Supp. 660) 2658
- *v. Page* (6 Utah, 353; 23 Pac. 761) 287
- *v. Palmer* (52 N. Y. 83) 168, 467, 848
- *v. Palmer* (152 N. Y. 217; 46 N. E. 328, rev'g 9 N. Y. App. Div. 58; 41 N. Y. Supp. 81) 702, 714
- *v. Palmer* (154 N. Y. 133; 47 N. E. 1084) 171
- *v. Palmer* (3 N. Y. App. Div. 389; 38 N. Y. Supp. 651) 807, 820
- *v. Palmer* (9 N. Y. App. Div. 252; 41 N. Y. Supp. 494) 817
- *v. Palmer* (14 N. Y. Misc. 41; 35 N. Y. Supp. 222) 2649
- *v. Palmer* (27 N. Y. Misc. 569; 59 N. Y. Supp. 62) 2706
- *v. Park* (97 N. Y. 37) 2795
- *v. Parmerter* (158 N. Y. 385; 53 N. E. 40) 1519



## TABLE OF CASES CITED

329

[References are to pages]

<i>People v. Partridge</i> (172 N. Y. 305; 65 N. E. 164, rev'g 74 N. Y. App. Div. 620; 77 N. Y. Supp. 1137) 754, 757, 760	<i>People v. Plimley</i> (1 N. Y. App. Div. 458; 37 N. Y. Supp. 152) 696, 705
— <i>v. Partridge</i> (180 N. Y. 237; 73 N. E. 4, rev'g 95 N. Y. App. Div. 633; 89 N. Y. Supp. 1113) 784, 813	— <i>v. Police Board</i> (26 N. Y. 39) 724
— <i>v. Partridge</i> (86 N. Y. App. Div. 310; 83 N. Y. Supp. 705) 813, 816	— <i>v. Police Board</i> (26 N. Y. 316) 170
— <i>v. Partridge</i> (87 N. Y. App. Div. 573; 84 N. Y. Supp. 487) 813	— <i>v. Police Com'rs</i> (93 N. Y. 97) 810, 812
— <i>v. Partridge</i> (88 N. Y. App. Div. 60; 84 N. Y. Supp. 779) 813, 816	— <i>v. Police Com'rs</i> (99 N. Y. 676; 2 N. E. 151) 813
— <i>v. Partridge</i> (89 N. Y. App. Div. 497; 85 N. Y. Supp. 853, aff'd 179 N. Y. 530; 71 N. E. 1136) 710	— <i>v. Police Com'rs</i> (114 N. Y. 245; 21 N. E. 421) 737, 803
— <i>v. Partridge</i> (91 N. Y. App. Div. 557; 87 N. Y. Supp. 19, aff'd 179 N. Y. 531; 71 N. E. 1137) 816	— <i>v. Police Com'rs</i> (155 N. Y. 40; 49 N. E. 257, rev'g 12 N. Y. App. Div. 628; 42 N. Y. Supp. 1131) 811
— <i>v. Partridge</i> (93 N. Y. App. Div. 473; 87 N. Y. Supp. [680]) 813	— <i>v. Police Com'rs</i> (174 N. Y. 450; 67 N. E. 78; 95 Am. St. Rep. 596, rev'g 79 N. Y. App. Div. 82; 79 N. Y. Supp. 710) 819
— <i>v. Partridge</i> (99 N. Y. App. Div. 410; 91 N. Y. Supp. 258, aff'd 180 N. Y. 542; 73 N. E. 1130) 814	— <i>v. Police Com'rs</i> (11 Hun [N. Y.] 403) 799
— <i>v. Payn</i> (28 N. Y. Misc. 275; 59 N. Y. Supp. 851) 2660	— <i>v. Police Com'rs</i> (20 Hun [N. Y.] 402) 812
— <i>v. Pearson</i> (4 Ill. 271) 2722	— <i>v. Police Com'rs</i> (31 Hun [N. Y.] 40) 813
— <i>v. Pease</i> (27 N. Y. 81) 653	— <i>v. Police Justice</i> (7 Mich. 456) 1135
— <i>v. Peck</i> (73 N. Y. App. Div. 89; 76 N. Y. Supp. 328) 760, 792, 822	— <i>v. Police Pension Fund Com'rs</i> (116 Ill. App. 252) 760
— <i>v. Pedersen</i> (220 Ill. 554; 77 N. E. 251) 121, 122	— <i>v. Pontiac</i> (185 Ill. 437; 56 N. E. 1114) 2637, 2654
— <i>v. People's Gasl. &amp; Coke Co.</i> (205 Ill. 482; 68 N. E. 950) 2740	— <i>v. Pope</i> (53 Cal. 447) 1561, 1896
— <i>v. Peoria</i> (166 Ill. 517; 46 N. E. 1075) 621, 2737, 2738	— <i>v. Porter</i> (6 Cal. 26) 724
— <i>v. Peoria, D. &amp; E. R. R. Co.</i> (116 Ill. 410; 6 N. E. 459) 2398	— <i>v. Potter</i> (35 Cal. 110) 440
— <i>v. Perrin</i> (103 Ill. App. 410) 2650, 2706	— <i>v. Power</i> (25 Ill. 187) 178
— <i>v. Phillips</i> (88 N. Y. App. Div. 560; 85 N. Y. Supp. 200) 228	— <i>v. Powers</i> (108 Mich. 339; 66 N. W. 215) 1270, 1271
— <i>v. Phillips</i> (1 Denio [N. Y.] 388) 635	— <i>v. Pratt</i> (30 Cal. 223) 2707
— <i>v. Pierce</i> (85 N. Y. App. Div. 125; 83 N. Y. Supp. 79) 1084	— <i>v. Pratt</i> (129 N. Y. 68; 29 N. E. 7) 1003, 1032, 2573
— <i>v. Pike</i> (197 Ill. 449; 64 N. E. 393) 60, 443	— <i>v. President</i> (9 Wend. [N. Y.] 351) 127, 442
— <i>v. Pinckney</i> (32 N. Y. 377) 170	— <i>v. Priest</i> (181 N. Y. 300; 73 N. E. 1100, rev'g 101 N. Y. App. Div. 223; 91 N. Y. Supp. 1006) 2420
— <i>v. Pitt</i> (169 N. Y. 521; 62 N. E. 662, aff'g 64 N. Y. App. Div. 316; 72 N. Y. Supp. 191) 2361, 2365, 2370, 2528, 2617	— <i>v. Priest</i> (75 N. Y. App. Div. 131; 77 N. Y. Supp. 382, aff'd 175 N. Y. 511; 67 N. E. 1088) 2422
— <i>v. Platt</i> (117 N. Y. 159; 22 N. E. 937, aff'g 50 Hun [N. Y.] 454; 3 N. Y. Supp. 367) 637	— <i>v. Prison Inspectors</i> (4 Mich. 187) 2708
	— <i>v. Provines</i> (34 Cal. 520) 148, 725
	— <i>v. Pueblo Co.</i> (2 Colo. 360) 582
	— <i>v. Pueblo County Dist. Ct.</i> (33 Colo. 257; 79 Pac. 1013) 2799
	— <i>v. Purdy</i> (154 N. Y. 439; 48 N. E. 821; 61 Am. St. Rep. 624, aff'g 21 N. Y. App. Div. 66; 47 N. Y. Supp. 601) 637, 638, 639, 640
	— <i>v. Purdy</i> (196 N. Y. 270; 89 N. E. 838) 2636, 2637

[References are to pages]

- People v. Queens County (131 N.Y. 468; 30 N. E. 488) 2779  
 — v. Queens County (142 N. Y. 271; 36 N. E. 1062) 1833, 2661  
 — v. Queens County (151 N. Y. 190; 45 N. E. 453, aff'g 91 Hun [N. Y.] 241; 36 N. Y. Supp. 1131) 1801, 1833  
 — v. Queens County (153 N. Y. 370; 47 N. E. 790) 2779  
 — v. Queens County (14 N. Y. App. Div. 608; 43 N. Y. Supp. 1121) 2797  
 — v. Queens County (1 Hill [N. Y.] 195) 2793, 2795  
 — v. Railroad Comm'rs (32 N. Y. App. Div. 179; 52 N. Y. Supp. 908) 150  
 — v. Rains (20 Colo. 489; 39 Pac. 341) 874  
 — v. Randall (151 N. Y. 497; 45 N. E. 841) 171  
 — v. Ransom (2 N. Y. 490) 2650, 2706  
 — v. Ransom (56 Barb. [N. Y.] 514) 837  
 — v. Raymond (186 Ill. 407; 57 N. E. 1066) 2718  
 — v. Raymond (37 N. Y. 428) 169, 172  
 — v. Reardon (184 N. Y. 431; 77 N. E. 970; 112 Am. St. Rep. 628, aff'g 110 N. Y. App. Div. 821; 97 N. Y. Supp. 535) 2359, 2413  
 — v. Reclamation Dist. (53 Cal. 346) 63, 141  
 — v. Rector, &c. (48 Barb. [N. Y.] 603) 834  
 — v. Redfield (86 N. Y. App. Div. 367; 83 N. Y. Supp. 873) 707  
 — v. Reed (81 Cal. 70; 22 Pac. 474; 15 Am. St. Rep. 22) 1724, 1740  
 — v. Reis (109 N. Y. App. Div. 748; 96 N. Y. Supp. 597) 2577  
 — v. Reynolds (10 Ill. 1) 127  
 — v. Richardson (4 Cow. [N. Y.] 100) 2727, 2728, 2732, 2735, 2737, 2745  
 — v. Richmond County (28 N. Y. 112) 2721, 2726  
 — v. Rickerson (56 N. Y. App. Div. 588; 67 N. Y. Supp. 248) 819, 2668  
 — v. Ringe (197 N. Y. 143; 90 N. E. 451; 27 L. R. A. n. s. 528) 2475  
 — v. Rio Grande County (11 Colo. App. 124; 52 Pac. 748) 1295  
 — v. River Raisin & L. E. R. Co. (12 Mich. 389; 86 Am. Dec. 64) 451  
 — v. Riverside (66 Cal. 288; 5 Pac. 350) 2740
- People v. Riverside (70 Cal. 461; 11 Pac. 759) 97  
 — v. Robb (126 N. Y. 180; 27 N. E. 267) 791  
 — v. Roberts (152 N. Y. 59; 46 N. E. 161, aff'g 11 N. Y. App. Div. 310; 42 N. Y. Supp. 502) 2354, 2355  
 — v. Roberts (154 N. Y. 1; 47 N. E. 974) 2355, 2356  
 — v. Roberts (158 N. Y. 168; 52 N. E. 1104, rev'g 29 N. Y. App. Div. 585; 51 N. Y. Supp. 487) 2354  
 — v. Roberts (159 N. Y. 70; 53 N. E. 685, rev'g 35 N. Y. App. Div. 624; 54 N. Y. Supp. 1112) 2356  
 — v. Roberts (8 N. Y. App. Div. 201; 40 N. Y. Supp. 417) 2356  
 — v. Roberts (22 N. Y. App. Div. 282; 47 N. Y. Supp. 949) 2356  
 — v. Roberts (27 N. Y. App. Div. 455; 50 N. Y. Supp. 355) 2356  
 — v. Roberts (30 N. Y. App. Div. 150; 51 N. Y. Supp. 866) 2356  
 — v. Roberts (36 N. Y. App. Div. 597; 55 N. Y. Supp. 950, aff'g 167 N. Y. 617; 60 N. E. 1117) 2321, 2354  
 — v. Roberts (91 Hun [N. Y.] 101; 34 N. Y. Supp. 641; 36 N. Y. Supp. 677, aff'd 148 N. Y. 360; 42 N. E. 1082) 690, 704  
 — v. Rochester (50 N. Y. 525) 138, 1645  
 — v. Rochester (21 Barb. [N. Y.] 656) 2596, 2798  
 — v. Rochester (44 Hun [N. Y.] 166) 969  
 — v. Rochester (5 Lans. [N. Y.] 142) 867, 2636  
 — v. Rock Island (215 Ill. 488; 74 N. E. 437) 1893, 2707  
 — v. Rodgers (118 Cal. 393; 46 Pac. 740; 50 Pac. 668) 640, 722  
 — v. Ronner (185 N. Y. 285; 77 N. E. 1061, aff'g 110 N. Y. App. Div. 816; 97 N. Y. Supp. 550) 2359  
 — v. Roosevelt (168 N. Y. 488; 61 N. E. 783, aff'g 4 N. Y. App. Div. 611; 40 N. Y. Supp. 1147) 811  
 — v. Roosevelt (1 N. Y. App. Div. 577; 37 N. Y. Supp. 488) 811  
 — v. Roosevelt (2 N. Y. App. Div. 498; 37 N. Y. Supp. 1083, aff'd 151 N. Y. 675; 46 N. E. 1150) 811  
 — v. Roosevelt (2 N. Y. App. Div. 536; 38 N. Y. Supp. 27, aff'd 153 N. Y. 657; 47 N. E. 1110) 811

# TABLE OF CASES CITED

331

[References are to pages]

People v. Roosevelt (5 N. Y. App. Div. 168; 39 N. Y. Supp. 78)	711, 805	People v. Saratoga Springs Sewer Com'n (90 N. Y. App. Div. 555; 86 N. Y. Supp. 445)	938
— v. Roosevelt (7 N. Y. App. Div. 144; 40 N. Y. Supp. 102)	811, 813	— v. Sausalito (106 Cal. 500; 39 Pac. 937)	115
— v. Roosevelt (13 N. Y. App. Div. 404; 43 N. Y. Supp. 73)	811	— v. Sawyer (106 Mich. 428; 64 N. W. 333)	1000
— v. Roosevelt (17 N. Y. App. Div. 301; 45 N. Y. Supp. 260)	811	— v. Scannel (53 N. Y. App. Div. 161; 65 N. Y. Supp. 832, aff'g 164 N. Y. 572; 58 N. E. 1091)	803
— v. Roosevelt (19 N. Y. App. Div. 431; 46 N. Y. Supp. 517)	692, 821	— v. Scannel (22 N. Y. Misc. 298; 49 N. Y. Supp. 1096)	2669
— v. Roosevelt (23 N. Y. App. Div. 533; 48 N. Y. Supp. 578)	814	— v. Scannell (172 N. Y. 316; 65 N. E. 165, aff'g 69 N. Y. App. Div. 400; 75 N. Y. Supp. 122)	818, 2672
— v. Roosevelt (14 N. Y. Misc. 531; 35 N. Y. Supp. 1085, aff'g 12 N. Y. Misc. 622; 34 N. Y. Supp. 228)	758	— v. Scannell (48 N. Y. App. Div. 69; 62 N. Y. Supp. 682)	714, 806
— v. Rose (211 Ill. 252; 71 N. E. 1124)	2648, 2650, 2729	— v. Scannell (48 N. Y. App. Div. 445; 62 N. Y. Supp. 930, aff'd 163 N. Y. 599; 57 N. E. 1121)	713, 806
— v. Rosendale (142 N. Y. 670; 37 N. E. 571)	2660	— v. Scannell (49 N. Y. App. Div. 244; 62 N. Y. Supp. 1064)	693
— v. Runkel (9 Johns. [N. Y.] 147)	609, 717, 720, 721, 842	— v. Scannell (51 N. Y. App. Div. 360; 64 N. Y. Supp. 593)	703
— v. Russell (49 Mich. 617; 14 N. W. 568; 43 Am. Rep. 478)	2323, 2462	— v. Scannell (56 N. Y. App. Div. 51; 67 N. Y. Supp. 433)	811
— v. St. Franciscus Benevolent Soc. (24 How. [N. Y.] Pr. 216)	809	— v. Scannell (62 N. Y. App. Div. 249; 70 N. Y. Supp. 983)	694, 786
— v. St. Lawrence County (25 Hun [N. Y.] 131)	1538	— v. Scannell (63 N. Y. App. Div. 243; 71 N. Y. Supp. 383)	690, 712, 818, 820, 2672
— v. St. Louis (10 Ill. 372)	1043	— v. Scannell (80 N. Y. App. Div. 320; 80 N. Y. Supp. 685)	809, 810
— v. Salem (20 Mich. 452; 4 Am. Rep. 400)	573, 579, 2319	— v. Schenectady County (35 Barb. [N. Y.] 408)	1315
— v. Salomon (46 Ill. 415)	2646, 2649, 2665	— v. Schermerhorn (19 Barb. [N. Y.] 540)	1556
— v. Salomon (51 Ill. 37)	127, 134, 199, 203, 1081, 1319, 2390, 2391, 2432, 2646, 2649, 2661	— v. Schneider (139 Mich. 673; 103 N. W. 172; 69 L. R. A. 345)	1087, 1088
— v. Sanderson (30 Cal. 160)	725	— v. Scholer (94 N. Y. App. Div. 282; 87 N. Y. Supp. 1122, aff'd 179 N. Y. 602; 72 N. E. 1148)	695, 705
— v. San Francisco (20 Cal. 591)	2654	— v. School Board (43 N. Y. App. Div. 613; 60 N. Y. Supp. 1145)	696
— v. San Francisco (27 Cal. 655)	946, 1173, 1238, 1439, 1536, 2705, 2720	— v. School Trustees (86 Ill. 613)	628, 2647
— v. San Francisco (36 Cal. 594)	2708	— v. Schroeder (76 N. Y. 161)	910
— v. San Luis Obispo County (50 Cal. 561)	178	— v. Schuyler (79 N. Y. 189)	2710
— v. Santa Anna (67 Ill. 57)	585, 641	— v. Scrugham (20 Barb. [N. Y.] 302)	2669, 2671
— v. Saratoga & R. R. Co. (15 Wend. [N. Y.] 114)	1832, 2737	— v. Scully (56 N. Y. App. Div. 302; 67 N. Y. Supp. 839)	704
— v. Saratoga County (106 N. Y. App. Div. 381; 94 N. Y. Supp. 1012)	2652, 2706	— v. Scully (23 N. Y. Misc. 732; 53 N. Y. Supp. 125)	2658
— v. Saratoga Springs (35 N. Y. App. Div. 141; 54 N. Y. Supp. 1083, aff'd 159 N. Y. 568; 54 N. E. 1093)	704, 705		
— v. Saratoga Springs (4 N. Y. App. Div. 399; 39 N. Y. Supp. 607)	814		
— v. Saratoga Springs (54 Hun [N. Y.] 16; 7 N. Y. Supp. 125)	712, 818		

[References are to pages]

- People *v.* Seaman (5 Denio [N. Y.] 409) 645, 2732  
 — *v.* Selkirk (180 N. Y. 401; 73 N. E. 248) 2363  
 — *v.* Selma Irrig. Dist. (98 Cal. 206; 32 Pac. 1047) 63  
 — *v.* Sergeant (8 Cow. [N. Y.] 139) 1040, 1113  
 — *v.* Sewell (9 Abb. New Cas. [N. Y.] 456) 859  
 — *v.* Seymour (16 Cal. 332; 76 Am. Dec. 521) 2479  
 — *v.* Seymour (6 Cow. [N. Y.] 579) 2710, 2721, 2726  
 — *v.* Shaw (34 N. Y. App. Div. 61; 54 N. Y. Supp. 218) 1844, 2796  
 — *v.* Shea (51 N. Y. App. Div. 227; 64 N. Y. Supp. 973, aff'd 164 N. Y. 573; 58 N. E. 1091) 805  
 — *v.* Shea (73 N. Y. App. Div. 232; 76 N. Y. Supp. 679) 693  
 — *v.* Shearer (30 Cal. 645) 2432  
 — *v.* Sheehan (128 N. Y. App. Div. 743; 113 N. Y. Supp. 230) 2731  
 — *v.* Sheffield (24 N. Y. App. Div. 214; 48 N. Y. Supp. 796) 692, 818  
 — *v.* Shepard (36 N. Y. 285) 143, 170, 176, 1157  
 — *v.* Sherman (171 N. Y. 684; 64 N. E. 1124) 2799  
 — *v.* Sherman (66 N. Y. App. Div. 231; 72 N. Y. Supp. 718) 814  
 — *v.* Silberwood (110 Mich. 103; 67 N. W. 1087; 32 L. R. A. 694) 486  
 — *v.* Simis (18 N. Y. App. Div. 199; 45 N. Y. Supp. 940) 805  
 — *v.* Simon (176 Ill. 165; 52 N. E. 910; 68 Am. St. Rep. 175) 149, 291  
 — *v.* Simonson (64 N. Y. App. Div. 312; 72 N. Y. Supp. 84) 715  
 — *v.* Simonson (66 N. Y. App. Div. 18; 72 N. Y. Supp. 957) 791, 822, 2797  
 — *v.* Sing Sing (54 N. Y. App. Div. 555; 66 N. Y. Supp. 1094) 791  
 — *v.* Sisson (75 N. Y. App. Div. 138; 77 N. Y. Supp. 376, aff'g 173 N. Y. 606; 66 N. E. 1115) 2293  
 — *v.* Slaughter (2 Doug. [Mich.] 334) 1131  
 — *v.* Smith (131 Mich. 70; 90 N. W. 666) 121  
 — *v.* Smith (147 Mich. 391; 110 N. W. 1102) 2323, 2324  
 — *v.* Smith (21 N. Y. 595) 1641, 1644  
 — *v.* Smith (45 N. Y. 772) 1535, 2794  
 — *v.* Smith (88 N. Y. 576) 2415  
 People *v.* Smyth (28 Cal. 21) 743  
 — *v.* Snedeker (106 N. Y. App. Div. 89; 94 N. Y. Supp. 319, aff'd 182 N. Y. 558; 75 N. E. 1133) 1227, 1229, 1230  
 — *v.* Sours (31 Colo. 369; 74 Pac. 167; 102 Am. St. Rep. 34) 65, 111, 112, 113  
 — *v.* Spencer (55 N. Y. 1) 582  
 — *v.* Spring Valley (129 Ill. 169; 21 N. E. 843) 2736  
 — *v.* Springwells (25 Mich. 153) 26, 163  
 — *v.* Squier (10 N. Y. App. Div. 415; 42 N. Y. Supp. 1) 713, 806  
 — *v.* Squire (107 N. Y. 593; 14 N. E. 820; 1 Am. St. Rep. 893, aff'd 145 U. S. 175) 310, 2060, 2070, 2072  
 — *v.* State Board of Equalization (205 Ill. 296; 68 N. E. 943) 2341  
 — *v.* State Board of Tax Com'rs (174 N. Y. 417; 67 N. E. 69; 105 Am. St. Rep. 674) 167, 169, 172  
 — *v.* State Treasurer (23 Mich. 499) 1367  
 — *v.* Staton (73 N. Car. 546; 21 Am. Rep. 479) 844  
 — *v.* Stearns (213 Ill. 184; 72 N. E. 728) 2551  
 — *v.* Steele (1 Edm. [N. Y.] Sel. Cas. 505) 2726  
 — *v.* Stephens (62 Cal. 209) 1916, 2138  
 — *v.* Stevens (71 N. Y. 527, aff'g 51 How. Pr. [N. Y.] 227) 1165  
 — *v.* Stevens (5 Hill [N. Y.] 616) 644, 721, 842, 844, 2650, 2668, 2671  
 — *v.* Stillings (76 N. Y. App. Div. 143; 78 N. Y. Supp. 942) 2922  
 — *v.* Stilwell (1 N. Y. 531) 1656  
 — *v.* Stilwell (190 N. Y. 284; 83 N. E. 56) 2794  
 — *v.* Stocking (50 Barb. [N. Y.] 573) 1316  
 — *v.* Stout (23 Barb. [N. Y.] 338) 127, 1239, 2652, 2769  
 — *v.* Stover (138 N. Y. App. Div. 237) 2662  
 — *v.* Stratton (28 Cal. 382) 722  
 — *v.* Stratton (33 Colo. 464; 81 Pac. 245) 2734, 2736, 2737  
 — *v.* Stratton (79 N. Y. App. Div. 149; 80 N. Y. Supp. 269, aff'd 174 N. Y. 531; 66 N. E. 1114) 692, 712  
 — *v.* Stuart (97 Ill. 123) 1668, 1670  
 — *v.* Stuart (74 Mich. 411; 41 N. W. 1091; 16 Am. St. Rep. 644) 785, 792

# TABLE OF CASES CITED

333

[References are to pages]

People v. Sturgis (82 N. Y. App. Div. 580; 81 N. Y. Supp. 816) 820, 2706	People v. Tieman (30 Barb. [N. Y.] 193) 720, 743
— v. Sturgis (85 N. Y. App. Div. 20; 82 N. Y. Supp. 953, aff'd 176 N. Y. 563; 68 N. E. 1123) 759	— v. Tilton (37 Cal. 614) 721
— v. Sturgis (91 N. Y. App. Div. 286; 86 N. Y. Supp. 687) 813, 814	— v. Timmerman (79 N. Y. App. Div. 565; 80 N. Y. Supp. 285) 904
— v. Sturgis (121 N. Y. App. Div. 407; 106 N. Y. Supp. 61) 1055	— v. Toal (85 Cal. 333; 24 Pac. 603) 114, 118
— v. Sturtevant (9 N. Y. 263; 59 Am. Dec. 536) 191, 916, 917, 2051	— v. Tobey (153 N. Y. 381; 47 N. E. 800, modifying 8 N. Y. App. Div. 468; 40 N. Y. Supp. 577; 17 N. Y. App. Div. 621; 44 N. Y. Supp. 1127) 695, 702, 703
— v. Suburban R. Co. (178 Ill. 594; 53 N. E. 349) 1952, 1954, 1958, 1961, 2708	— v. Town (1 N. Y. App. Div. 127; 37 N. Y. Supp. 864) 1245
— v. Sullivan County (56 N. Y. 249) 947	— v. Town Auditors (74 N. Y. 310) 770
— v. Superior Court (5 Wend. [N. Y.] 114) 2661	— v. Town Auditors (75 N. Y. 316) 770
— v. Supervisors (34 N. Y. 516) 544	— v. Town Board (21 N. Y. App. Div. 156; 47 N. Y. Supp. 409) 613
— v. Supervisors (70 N. Y. 228) 222	— v. Tracy (35 N. Y. App. Div. 265; 54 N. Y. Supp. 1070) 702, 706, 819, 820
— v. Supervisors (112 N. Y. 585; 20 N. E. 549) 28, 30, 218	— v. Tracy (1 Denio [N. Y.] 617) 2708
— v. Sutter St. R. Co. (117 Cal. 604; 49 Pac. 736) 1907	— v. Treanor (15 N. Y. App. Div. 508; 44 N. Y. Supp. 528) 2649
— v. Sutton (88 Hun [N. Y.] 173; 34 N. Y. Supp. 487) 703, 739, 820, 2672	— v. Trustees of Schools (118 Ill. 52; 7 N. E. 262) 2577
— v. Swanstrom (79 N. Y. App. Div. 94; 79 N. Y. Supp. 934) 2650, 2708	— v. Tully (108 N. Y. App. Div. 345; 95 N. Y. Supp. 916, 1153) 710
— v. Sweeting (2 Johns. [N. Y.] 184) 2732, 2743	— v. Turner (55 Ill. 280; 8 Am. Rep. 645) 1099
— v. Swift (31 Cal. 26) 1190, 1191	— v. Turner (117 N. Y. 227; 22 N. E. 1022; 15 Am. St. Rep. 498) 2366
— v. Syracuse (63 N. Y. 291) 467, 848, 1651	— v. Tyrrell (87 Cal. 475; 25 Pac. 684) 721
— v. Syracuse (78 N. Y. 56) 1652, 1655	— v. Ulster County (16 Johns. [N. Y.] 59) 2653
— v. Syracuse (144 N. Y. 63; 38 N. E. 1006) 1241, 1253, 1254	— v. Underhill (144 N. Y. 316; 39 N. E. 333) 1724, 1728
— v. Tax Commissioners (174 N. Y. 417; 67 N. E. 69) 2592	— v. Utica Ins. Co. (2 Johns. Ch. 371) 838
— v. Tazewell County (22 Ill. 147) 583, 1318, 1534	— v. Utica Ins. Co. (15 Johns. [N. Y.] 358; 8 Am. Dec. 243) 838, 2727, 2728
— v. Thatcher (55 N. Y. 525; 14 Am. Rep. 312) 652, 653, 2732, 2734	— v. Vail (20 Wend. [N. Y.] 12) 2671, 2732
— v. Third Ave. R. Co. (45 Barb. [N. Y.] 63) 1979	— v. Van Alstyne (53 N. Y. App. Div. 1; 65 N. Y. Supp. 451) 2796
— v. Thompson (94 N. Y. 451) 794, 795, 796, 811	— v. Van Cleave (183 Ill. 330; 55 N. E. 698) 2656, 2659
— v. Thompson (25 Barb. [N. Y.] 73) 2652	— v. Vandecarr (175 N. Y. 440; 67 N. E. 913; 108 Am. St. Rep. 781) 904
— v. Thompson (16 Wend. [N. Y.] 655) 2727, 2744	— v. Vanderbilt (26 N. Y. 287; 28 N. Y. 396) 185, 487, 496, 497, 501, 1042, 1785, 1789
— v. Throop (12 Wend. [N. Y.] 183) 925	
— v. Thurber (13 Ill. 554, 557) 995, 997	
— v. Tibbetts (19 N. Y. 523) 487	

[References are to pages]

- People *v.* Vandervoort (52 N. Y. App. Div. 283; 65 N. Y. Supp. 100) 2722  
 — *v.* Vanhorn (20 Colo. App. 215; 77 Pac. 978) 2657  
 — *v.* Van Houton (13 N. Y. Misc. 603; 35 N. Y. Supp. 186) 1870  
 — *v.* Van Nort (64 Barb. [N. Y.] 205) 1204  
 — *v.* Van Slyck (4 Cow. [N. Y.] 297) 2732, 2733, 2745  
 — *v.* Van Wyck (157 N. Y. 495; 52 N. E. 559, aff'g 33 N. Y. App. Div. 318; 53 N. Y. Supp. 914) 704, 705, 738  
 — *v.* Van Wyck (27 N. Y. Misc. 439; 59 N. Y. Supp. 134) 2708  
 — *v.* Vilas (36 N. Y. 459) 681  
 — *v.* Vinton (82 Mich. 39; 46 N. W. 31) 977  
 — *v.* Voorhis (63 N. Y. App. Div. 249; 71 N. Y. Supp. 266) 714  
 — *v.* Waite (70 Ill. 25) 2728, 2740, 2741, 2742  
 — *v.* Walker (9 Mich. 328) 887  
 — *v.* Walsh (96 Ill. 232; 36 Am. Rep. 135) 203, 1771, 1799, 1819, 1835, 2018, 2391  
 — *v.* Ward (62 N. Y. App. Div. 531; 71 N. Y. Supp. 76) 2665  
 — *v.* Warden of City Prison (157 N. Y. 116; 51 N. E. 1006; 68 Am. St. Rep. 763) 1005  
 — *v.* Warfield (20 Ill. 163) 128, 654  
 — *v.* Waring (1 N. Y. App. Div. 594; 37 N. Y. Supp. 478, aff'd 149 N. Y. 621; 44 N. E. 1127) 706  
 — *v.* Waring (7 N. Y. App. Div. 204; 40 N. Y. Supp. 275) 806  
 — *v.* Warren (5 Hill [N. Y.] 440) 774  
 — *v.* Way (92 N. Y. App. Div. 82; 86 N. Y. Supp. 892) 2665  
 — *v.* Wayne (13 Mich. 233) 734  
 — *v.* Wayne County (41 Mich. 4; 2 N. W. 180) 734  
 — *v.* Wayne County (41 Mich. 223; 49 N. W. 921) 2654  
 — *v.* Waynesville (88 Ill. 469) 585, 1515, 1537  
 — *v.* Weaver (41 Hun [N. Y.] 133) 2427  
 — *v.* Weber (86 Ill. 283) 2733  
 — *v.* Weber (89 Ill. 347) 450, 667, 1169  
 — *v.* Weber (164 Ill. 412; 45 N. E. 723) 2624  
 — *v.* Weisenbach (60 N. Y. 385) 1099  
 — *v.* Welde (61 N. Y. App. Div. 580; 70 N. Y. Supp. 869) 821, 2710  
 People *v.* Welles (18 N. Y. App. Div. 132; 45 N. Y. Supp. 713) 810  
 — *v.* Wells (176 N. Y. 462; 68 N. E. 883, rev'g 86 N. Y. App. Div. 270; 83 N. Y. Supp. 789) 706  
 — *v.* Wells (182 N. Y. 314; 74 N. E. 878) 2794  
 — *v.* Wells (183 N. Y. 264; 76 N. E. 24, rev'g 104 N. Y. App. Div. 629; 93 N. Y. Supp. 1143) 2321  
 — *v.* Wells (78 N. Y. App. Div. 373; 79 N. Y. Supp. 728) 805, 807  
 — *v.* Wells (91 N. Y. App. Div. 172; 86 N. Y. Supp. 309) 2794  
 — *v.* Wells (98 N. Y. App. Div. 82; 90 N. Y. Supp. 313, aff'd 182 N. Y. 553; 75 N. E. 1132) 2356  
 — *v.* Welty (75 Ill. App. 514, 523) 792  
 — *v.* Wemple (117 N. Y. 77; 22 N. E. 761) 2363  
 — *v.* Wemple (131 N. Y. 64; 29 N. E. 1002; 27 Am. St. Rep. 542) 2354, 2357  
 — *v.* Wemple (138 N. Y. 1; 33 N. E. 720) 2337, 2338  
 — *v.* Wemple (150 N. Y. 46; 44 N. E. 787) 2356  
 — *v.* Wemple (69 Hun [N. Y.] 367; 23 N. Y. Supp. 661) 2831  
 — *v.* Wendell (57 Hun [N. Y.] 362; 10 N. Y. Supp. 587) 712, 818  
 — *v.* Westchester County (12 Barb. [N. Y.] 446) 2706  
 — *v.* Westchester County (15 Barb. [N. Y.] 607) 2707  
 — *v.* Wharf Co. (31 Cal. 34) 504  
 — *v.* Whidden (191 Ill. 374; 61 N. E. 133) 2630  
 — *v.* Whipple (41 Mich. 548; 49 N. W. 922) 845, 2648  
 — *v.* Whitcomb (55 Ill. 172) 2739, 2748  
 — *v.* White (127 Mich. 428; 86 N. W. 992) 1019  
 — *v.* White (59 N. Y. App. Div. 17; 69 N. Y. Supp. 30) 714, 821  
 — *v.* White (54 Barb. [N. Y.] 622) 2654  
 — *v.* White (24 Wend. [N. Y.] 520) 843  
 — *v.* Whitlock (92 N. Y. 191) 139, 792  
 — *v.* Whitney's Point (102 N. Y. 81; 6 N. E. 895) 1646  
 — *v.* Whittemore (4 Mich. 27) 2710  
 — *v.* Whyler (41 Cal. 351) 2445, 2505  
 — *v.* Wiant (48 Ill. 263) 128, 656, 2661  
 — *v.* Wieboldt (233 Ill. 572; 84 N. E. 646) 1838, 1893, 2707  
 — *v.* Williams (56 Cal. 647) 63



[References are to pages]

- People *v.* Williams (51 Ill. 63) 109,  
 203, 1746, 2391  
 — *v.* Williams (145 Ill. 573; 33  
 N. E. 849; 36 Am. St. Rep.  
 514) 2666  
 — *v.* Williams (116 N. Y. App.  
 Div. 379; 100 N. Y. Supp. 337;  
 101 N. Y. Supp. 562) 205  
 — *v.* Willis (6 N. Y. App. Div.  
 231; 39 N. Y. Supp. 987) 1223  
 — *v.* Willis (9 N. Y. App. Div.  
 214; 41 N. Y. Supp. 168) 1870  
 — *v.* Willsea (60 N. Y. 507) 137  
 — *v.* Wilson (15 Ill. 389) 1118,  
 1119  
 — *v.* Wilson (12 N. Y. Misc.  
 174; 33 N. Y. Supp. 369, aff'd  
 146 N. Y. 401; 42 N. E. 543) 690,  
 704, 712  
 — *v.* Witherell (14 Mich. 48) 650,  
 651, 721, 2742  
 — *v.* Wood (7 Cal. 579) 194  
 — *v.* Wood (4 Park. [N. Y.] Cr.  
 144) 773  
 — *v.* Woodbury (88 N. Y. App.  
 Div. 443; 85 N. Y. Supp. 174) 2661,  
 2721  
 — *v.* Woodbury (88 N. Y. App.  
 Div. 593; 85 N. Y. Supp. 161,  
 aff'd 179 N. Y. 525; 71 N. E.  
 1137) 795, 2651  
 — *v.* Woodbury (102 N. Y. App.  
 Div. 462; 92 N. Y. Supp. 442) 805  
 — *v.* Woodbury (112 N. Y. App.  
 Div. 79; 98 N. Y. Supp. 142) 822  
 — *v.* Woodbury (114 N. Y. App.  
 Div. 188; 99 N. Y. Supp. 573) 795,  
 822  
 — *v.* Woodruff (30 N. Y. App.  
 Div. 43; 51 N. Y. Supp. 515) 501  
 — *v.* Woodruff (54 N. Y. App.  
 Div. 1; 66 N. Y. Supp.  
 209) 2796  
 — *v.* Works (7 Wend. [N. Y.]  
 486) 964  
 — *v.* Worth Tp. Highway  
 Com'rs (52 Ill. 498) 1727  
 — *v.* Wren (5 Ill. 269) 127, 144, 588,  
 590  
 — *v.* Wright (30 Colo. 439; 71  
 Pac. 365) 635, 835, 846, 862  
 — *v.* Wright (70 Ill. 388, 398) 259  
 — *v.* Wright (150 N. Y. 444; 44  
 N. E. 1036, aff'g 7 N. Y. App.  
 Div. 185; 40 N. Y. Supp. 285) 695,  
 802, 809  
 — *v.* Wurster (91 Hun [N. Y.]  
 233; 36 N. Y. Supp. 160) 811  
 — *v.* Wynhammer (12 How.  
 [N. Y.] Pr. 260) 2847  
 — *v.* Yancy (167 Ill. 255; 47 N.  
 E. 521) 2545  
 — *v.* Yates (40 Ill. 126) 2714  
 People *v.* Yonkers Board of Health  
 (140 N. Y. 1; 35 N. E. 320) 1035,  
 1047, 1048, 2797  
 — *v.* Yonkers Police Com'rs  
 (174 N. Y. 450; 67 N. E. 78,  
 rev'g 79 N. Y. App. Div. 82;  
 79 N. Y. Supp. 710) 761, 2668, 2731  
 — *v.* York (50 N. Y. App. Div.  
 359; 64 N. Y. Supp. 2) 811  
 — *v.* York (52 N. Y. App. Div.  
 295; 65 N. Y. Supp. 130) 811  
 — *v.* York (166 N. Y. 582; 60  
 N. E. 258, rev'g 58 N. Y. App.  
 Div. 624; 69 N. Y. Supp. 1142) 811  
 — *v.* York (35 N. Y. App. Div.  
 430; 54 N. Y. Supp. 835) 816  
 — *v.* York (41 N. Y. App. Div.  
 419; 59 N. Y. Supp. 735) 761  
 — *v.* York (43 N. Y. App. Div.  
 444; 60 N. Y. Supp. 208) 805  
 — *v.* York (45 N. Y. App. Div.  
 503; 61 N. Y. Supp. 400) 811  
 — *v.* York (49 N. Y. App. Div.  
 173; 63 N. Y. Supp. 36, aff'd  
 163 N. Y. 551; 57 N. E. 1121) 803  
 — *v.* York (51 N. Y. App. Div.  
 502; 64 N. Y. Supp. 736) 803, 811  
 — *v.* York (53 N. Y. App. Div.  
 336; 65 N. Y. Supp. 696) 810, 812,  
 814, 816  
 — *v.* York (53 N. Y. App. Div.  
 429; 65 N. Y. Supp. 1074) 806  
 — *v.* York (66 N. Y. App. Div.  
 453; 73 N. Y. Supp. 331, aff'd  
 171 N. Y. 627; 63 N. E. 1120) 2651  
 — *v.* York (78 N. Y. App. Div.  
 432; 80 N. Y. Supp. 300, aff'd  
 174 N. Y. 533; 66 N. E. 1115) 811,  
 881  
 — *v.* Zeyst (23 N. Y. 140) 881  
 — *v.* Zimmerman (102 N. Y.  
 App. Div. 103; 92 N. Y. Supp.  
 497) 1006  
 — *v.* Zoll (97 N. Y. 203) 2923  
 People's Bank *v.* School Dist. No.  
 52 (3 N. Dak. 496; 57 N. W.  
 787) 1375  
 People's B. & L. Assoc. *v.* Ber-  
 lin (201 Pa. 1; 50 Atl. 308; 88  
 Am. St. Rep. 764) 2327  
 People's Electric L. & P. Co. *v.*  
 Capital Gas & Elect. L. Co. (116  
 Ky. 76; 75 S. W. 280) 1793, 1920,  
 2144, 2158, 2167  
 People's Gas E. & H. Co. *v.* Har-  
 rell (36 Ind. App. 588; 76 N. E.  
 318) 2827  
 People's G. L. & C. Co. *v.* Chicago  
 (194 U. S. 1; s. c. 114 Fed. Rep.  
 384) 2240, 2449  
 Peoples' Gas Light & Coke Co. *v.*  
 Hale (94 Ill. App. 406) 2149, 2205,  
 2229, 2260

[References are to pages]

- People's Gaslight Co. v. Jersey City (46 N. J. L. 297) 907, 2167  
 People's Lumber Co. v. Gillard (136 Cal. 55; 68 Pac. 576) 1266, 1267  
 People's Nat'l Bank v. Ayer (24 Ind. App. 212; 56 N. E. 267) 1376  
 People's National Bank of Lynchburg v. Marye (191 U. S. 272) 2766  
 People's Pass. R. Co. v. Memphis City R. Co. (10 Wall. [U. S.] 38) 464, 1170, 1221, 1905, 1972, 1977  
 People's Sav. Bank v. Layman (134 Fed. Rep. 635) 2442  
 People's Tel. & Tel. Co. v. Berks & D. T. R. Co. (199 Pa. 411; 49 Atl. 284) 1927  
 People's Traction Co. v. Atlantic City (71 N. J. L. 134; 57 Atl. 972) 1716, 1730, 1942, 1969  
 Peoria v. Adams (72 Ill. App. 662) 3040  
 — v. Ballance (61 Ill. App. 369) 493  
 — v. Calhoun (29 Ill. 317) 934, 943  
 — v. Central Nat. Bank (224 Ill. 43; 79 N. E. 296; 12 L. R. A. N. S. 687) 1893, 1896  
 — v. Eisler (62 Ill. App. 26) 3037  
 — v. Fruin-Bambrick Const. Co. (169 Ill. 36; 48 N. E. 435) 1319  
 — v. Gerber (168 Ill. 318; 48 N. E. 152) 2960  
 — v. Gugenheim (61 Ill. App. 374) 925, 930, 986  
 — v. Johnston (56 Ill. 45) 1688, 1695, 1713, 1785, 1896, 2748, 2753  
 — v. Kidder (26 Ill. 351) 1665  
 — v. Simpson (110 Ill. 294) 3000, 3028  
 Peoria & R. I. R. Co. v. Schertz (84 Ill. 135) 1663, 2018  
 Peoria Br. Assoc. v. Loomis (20 Ill. 235; 71 Am. Rep. 263) 2971  
 Peoria County v. Gordon (82 Ill. 45) 2679  
 Peoria, D. & E. R. Co. v. Scott (116 Ill. 401; 6 N. E. 497) 2402  
 Peoria Gas & Elect. Co. v. Peoria (200 U. S. 48) 2250  
 Pepin County v. Prindle (61 Wis. 301; 21 N. W. 254) 1562  
 Pepin Tp. v. Sage (129 Fed. Rep. 657) 274, 296, 301  
 Pepper v. Philadelphia (181 Pa. St. 566; 37 Atl. 579) 427  
 — v. Smith (15 Lea [Tenn.] 551) 598  
 — v. Union R. Co. (113 Tenn. 53; 85 S. W. 864) 1982, 1983, 2014  
 Pequinot v. Detroit (16 Fed. Rep. 211) 2985  
 Perdue v. Chinguacousy Corp. (25 Up. Can. Q. B. 61) 2809, 2903, 3044, 3045, 3046, 3051, 3054  
 Perdue v. Ellis (18 Ga. 586) 901, 926, 1012, 1014  
 Pere Marquette Boom Co. v. Adams (44 Mich. 403; 6 N. W. 857) 486  
 Pereria v. Wallace (129 Cal. 397; 62 Pac. 61) 2138  
 Perez v. Whitaker (116 La. 947; 41 So. 218) 2651  
 Perin v. Carey (24 How. [U. S.] 465) 1557, 1568, 1569, 1572, 1574, 1577, 1579  
 Perine Contracting Co. v. Pasadena (116 Cal. 6; 47 Pac. 777) 1213, 1222  
 — v. Quackenbush (104 Cal. 684; 38 Pac. 533) 1205  
 Perkins v. Burlington (77 Iowa, 553; 42 N. W. 441) 2429, 2430  
 — v. Butler County (44 Neb. 110; 62 N. W. 308) 1588  
 — v. Concord R. Co. (44 N. H. 223) 765, 2978  
 — v. Corbin (45 Ala. 103; 6 Am. Rep. 698) 1118  
 — v. Fayette (68 Me. 152; 28 Am. Rep. 84) 2970, 2971, 2974, 2979, 2990, 3019  
 — v. Fielding (119 Mo. 149; 24 S. W. 444; 27 S. W. 1100) 842, 1705  
 — v. Holman (43 Ark. 219) 612  
 — v. Lawrence (136 Mass. 305) 2913, 2916  
 — v. Milford (59 Me. 315) 229, 1295, 2311, 2314  
 — v. Northern Pac. R. Co. (155 Fed. Rep. 445) 2257, 2258  
 — v. Oxford (66 Me. 545) 2817  
 — v. Philadelphia (156 Pa. 554; 27 Atl. 356) 254, 266, 301, 2395  
 — v. Ross ([Tenn. Ch. App.] 42 S. W. 58) 1842  
 — v. Slack (86 Pa. St. 283) 220, 2394  
 — v. Wash. Ins. Co. (4 Cow. [N. Y.] 645) 1184  
 — v. Weston (3 Cush. [Mass.] 549) 886  
 Perkins County v. Graff (114 Fed. Rep. 441) 430, 1361, 1366, 1413  
 Perkinson v. Hoolan (182 Mo. 189; 81 S. W. 407) 2606  
 — v. St. Louis (4 Mo. App. 322) 1249  
 Perley v. Chandler (6 Mass. 454; 4 Am. Dec. 159) 1699  
 — v. Georgetown (7 Gray [Mass.] 464) 2869, 2876, 2877  
 — v. Muskegon County (32 Mich. 132; 20 Am. Rep. 637) 764  
 Perrette v. Kansas City (162 Mo. 238; 62 S. W. 448) 2972  
 Perrigo v. Milwaukee (92 Wis. 236; 65 N. W. 1025) 376, 377  
 — v. St. Louis (185 Mo. 274; 84 S. W. 30) 3029

# TABLE OF CASES CITED

337

[References are to pages]

Perrin <i>v.</i> Honeycutt (144 Cal. 87; 77 Pac. 776)	1315	Perryman <i>v.</i> Greenville (51 Ala. 510)	440
— <i>v.</i> New York Cent. R. Co. (36 N. Y. 120)	1722, 1756	Perrysville & Z. Pl. R. Co. <i>v.</i> Pineman (20 Pa. St. 99)	1793
Perrine <i>v.</i> Farr (22 N. J. L. 356)	450, 1169, 2598	— <i>v.</i> Ramage (20 Pa. St. 95)	1793
Perris Irrig. Dist. <i>v.</i> Thomspen (116 Fed. Rep. 832)	1476	— <i>v.</i> Thomas (20 Pa. St. 91)	1793
Perrizo <i>v.</i> Stephenson (141 Mich. 167; 104 N. W. 417)	2460	Perth Amboy <i>v.</i> Barker (74 N. J. L. 127; 65 Atl. 201)	2433
Perry <i>v.</i> Castner (124 Iowa, 386; 100 N. W. 84; s. c. 130 Iowa, 703; 107 N. W. 940)	1872, 1875	Perth Amboy Trust Co. <i>v.</i> Perth Amboy (75 N. J. L. 291; 68 Atl. 84)	1698
— <i>v.</i> Cedar Falls (87 Iowa, 315; 54 N. W. 225)	2999	Peru <i>v.</i> Bartels (214 Ill. 515; 73 N. E. 755)	2534, 2551
— <i>v.</i> Chatham County (130 N. Car. 558; 41 S. E. 787)	2649	— <i>v.</i> Brown (10 Ind. App. 597; 38 N. E. 223)	3039
— <i>v.</i> Cheboygan (55 Mich. 250; 21 N. W. 333)	731	— <i>v.</i> French (55 Ill. 317)	2993, 3004, 3015
— <i>v.</i> Davis (18 Okla. 427; 90 Pac. 865)	2528, 2617	— <i>v.</i> Gleason (91 Ind. 566)	464
— <i>v.</i> Dover (12 Pick. [Mass.] 206)	829, 830	Peru & I. R. Co. <i>v.</i> Hanna (68 Ind. 562)	2587
— <i>v.</i> House of Refuge (63 Md. 20; 52 Am. Rep. 495)	2897	Peru Iron Co, <i>In re</i> (7 Cow. [N. Y.] 540)	1557
— <i>v.</i> Hull (180 Mass. 547; 62 N. E. 962)	2651	Peruvian, &c. R. Co. <i>v.</i> Thames, &c. Ins. Co. (L. R. 2 Ch. 617)	540
— <i>v.</i> Kinnear (42 Ill. 160)	2770	Pesterfield <i>v.</i> Vickers (3 Coldw. [Tenn.] 205)	676, 926, 2884, 2885
— <i>v.</i> New Orleans, M. & C. R. Co. (55 Ala. 413; 28 Am. Rep. 740)	1693, 1699, 1711, 1743, 1771, 1782, 1794, 1795, 1970, 1972, 1974, 2010	Petaluma <i>v.</i> White (152 Cal. 190; 92 Pac. 177)	1631
— <i>v.</i> Oregon (139 Ill. App. 606)	2899	Peterborough <i>v.</i> Lancaster (14 N. H. 382)	831, 870
— <i>v.</i> Ottawa (23 Upper Can. Q. B. 391)	1189	Peters <i>v.</i> Bell (51 La. An. 1621; 26 So. 442)	781, 784, 2731
— <i>v.</i> People (155 Ill. 307; 40 N. E. 468)	2609	— <i>v.</i> Fergus Falls (35 Minn. 549; 29 N. W. 586)	3044
— <i>v.</i> People (206 Ill. 334; 69 N. E. 63)	2454	— <i>v.</i> Griffie (108 Ind. 121; 8 N. E. 727)	2603
— <i>v.</i> Reynolds (53 Conn. 527; 3 Atl. 555)	771, 774	— <i>v.</i> Lindsborg (40 Kan. 654; 20 Pac. 490)	2883, 2884
— <i>v.</i> Rockdale (62 Tex. 457)	2396	— <i>v.</i> London (2 Upper Can. Q. B. 543)	952
— <i>v.</i> Salt Lake City (7 Utah, 143; 25 Pac. 739, 998)	1004	— <i>v.</i> Lynchburg (76 Va. 927)	2398
— <i>v.</i> Superior City (23 Wis. 64)	1180	— <i>v.</i> Newark (31 N. J. L. 360)	2609
— <i>v.</i> Tynen (22 Barb. [N. Y.] 137)	849	— <i>v.</i> State (9 Ga. 109)	2858
— <i>v.</i> Vermilion (21 La. An. 645)	1312	Petersilea <i>v.</i> Stone (119 Mass. 465; 20 Am. Rep. 335)	1370
— <i>v.</i> Washburn (20 Cal. 318)	2312, 2478	Peterson <i>v.</i> New York (17 N. Y. 449)	552, 1074, 1184, 1185, 1190, 1191, 1195, 1197, 1558
— <i>v.</i> Worcester (6 Gray [Mass.] 544)	2916, 2918, 3037, 3038, 3057	— <i>v.</i> Red Wing (101 Minn. 62; 111 N. W. 840)	2815
Perry County <i>v.</i> Conway County (52 Ark. 430; 12 S. W. 877)	627	— <i>v.</i> Salem County (63 N. J. Law, 57; 42 Atl. 844)	713
— <i>v.</i> Gardner (155 Ind. 165; 57 N. E. 908)	357, 358	— <i>v.</i> Wilmington (130 N. Car. 76; 40 S. E. 853; 56 L. R. A. 959)	2894
— <i>v.</i> Lomax (5 Ind. App. 567; 32 N. E. 800)	1148	Petit <i>v.</i> Minnesota (177 U. S. 164)	1096
— <i>v.</i> Selma, M. & M. R. Co. (58 Ala. 546)	2481, 2482	Petrie <i>v.</i> Doe (30 Miss. 698)	849
— <i>v.</i> Selma, M. & M. R. Co. (65 Ala. 391)	2484	Petros <i>v.</i> Vancouver (13 Wash. 423; 43 Pac. 361)	435, 436, 1382
		Pettengill <i>v.</i> Yonkers (116 N. Y. 558; 22 N. E. 1095; 15 Am. St. Rep. 442)	2903, 3000
		Petter <i>v.</i> Allen ([Ky.], 54 S. W. 174)	2630

[References are to pages]

- Pettibone v. Hamilton* (40 Wis. 402) 1838, 2771  
 — *v. West Chicago Park Com'rs* (215 Ill. 304; 74 N. E. 387) 258, 311, 312, 420, 422  
*Pettingill v. Devin* (35 Iowa, 344) 1845  
*Pettigrew v. Evansville* (25 Wis. 223; 3 Am. Rep. 50) 2919, 3015, 3041, 3046, 3052  
*Pettis v. Johnson* (56 Ind. 139) 1788, 1789  
*Pettit v. Duke* (10 Utah, 311; 37 Pac. 568) 2584  
 — *v. Grand Junction* (119 Iowa, 352; 93 N. W. 381) 1866  
 — *v. McClellan* (185 N. Y. 529; 77 N. E. 1195, aff'g 110 N. Y. App. Div. 390; 97 N. Y. Supp. 320) 1947  
 — *v. May* (34 Wis. 666) 979  
*Petty v. Tooker* (21 N. Y. 267) 635  
*Peverly v. Boston* (136 Mass. 366; 49 Am. Rep. 37) 3004  
*Pew v. Litchfield* (115 Ill. App. 13) 1837, 1839, 1896  
*Pewaukee v. Savoy* (103 Wis. 271; 79 N. W. 436; 74 Am. St. Rep. 859) 511  
*Peynado's Devises v. Peynado's Executors* (82 Ky. 5) 1570  
*Peyser v. Metropolitan Elev. Ry. Co.* (13 Daly [N. Y.] 122) 2046  
 — *v. New York* (70 N. Y. 497) 2827, 2833  
*Peyton v. St. Hospital* (3 C. & P. 363) 890  
*Pfaffinger v. Kremer* (115 Ky. 498; 74 S. W. 238) 2527, 2595  
*Pfahler, In re* (150 Cal. 71; 88 Pac. 270; 11 L.R. A. N. s. 1092) 2394  
*Pfau v. Reynolds* (53 Ill. 212) 3010, 3028  
*Phalen v. Virginia* (8 How. [U. S.] 163) 2463  
*Phebe, The* (1 Ware Rep. 360) 504  
*Phelan v. New York* (119 N. Y. 86; 23 N. E. 175) 1243  
 — *v. San Francisco* (120 Cal. 1; 52 Pac. 38) 2829  
 — *v. Smith* (22 Wash. 397; 61 Pac. 31) 2486  
*Phelon v. Granville* (140 Mass. 386; 5 N. E. 269) 743  
*Phelps v. Detroit* (120 Mich. 447; 79 N. W. 640) 1810  
 — *v. Lake Street Elev. R. Co.* (60 Ill. App. 471) 2019  
 — *v. Lewiston* (15 Blatchf. [Ind.] 131) 1422  
 — *v. Mankato* (23 Minn. 277) 2975  
 — *v. Mattoon* (177 Ill. 169; 52 N. E. 288) 2623  
 — *v. New York* (112 N. Y. 216; 19 N. E. 408) 461, 2404, 2828, 2830  
*Phelps v. Nowlen* (72 N. Y. 39; 28 Am. Rep. 93) 2307  
 — *v. Tacoma* (15 Wash. 367; 46 Pac. 400) 378, 2828  
*Phi Beta Epsilon Corporation v. Boston* (182 Mass. 457; 65 N. E. 824) 2446  
*Phifer v. Cox* (21 Ohio St. 248; 8 Am. Rep. 58) 1097  
*Philadelphia's Appeal* (86 Pa. 179) 1278  
*Philadelphia v. Baker* (140 Pa. 11; 21 Atl. 238) 2559  
 — *v. Bowman* (175 Pa. 91; 34 Atl. 353) 2081  
 — *v. Brabender* (201 Pa. 574; 51 Atl. 374) 1083  
 — *v. Burgin* (50 Pa. 537) 2585  
 — *v. Cloud* (4 W. N. C. [Pa.] 445) 2478  
 — *v. Collector* (5 Wall. [U. S.] 730) 2836  
 — *v. Collins* (68 Pa. 106) 2909  
 — *v. Cooke* (30 Pa. 56) 2488, 2829  
 — *v. Dibeler* (147 Pa. 261; 23 Atl. 567) 1820, 2560  
 — *v. Dickson* (38 Pa. St. 247) 1660, 1661  
 — *v. Dyer* (41 Pa. St. 463) 1660, 1661  
 — *v. Eastwick* (35 Pa. 75) 2529, 2589  
 — *v. Eddleman* (169 Pa. 452; 32 Atl. 639) 2559  
 — *v. Ehret* (153 Pa. 1; 25 Atl. 888) 2557, 2559  
 — *v. Electric Trac. Co.* (208 Pa. 157; 57 Atl. 354) 2590  
 — *v. Elliott* (3 Rawle [Pa.] 170) 1569, 1570, 1575, 1578  
 — *v. Empire Passenger R. Co.* (177 Pa. 382; 35 Atl. 721) 1953  
 — *v. Evans* (139 Pa. 483; 21 Atl. 200) 2081, 2558  
 — *v. Field* (58 Pa. 320) 144, 181, 199, 216, 221, 2317, 2402  
 — *v. Flanigen* (47 Pa. St. 21) 29, 31, 550, 1178, 1180  
 — *v. Fox* (64 Pa. St. 169) 143, 144, 162, 181, 218, 235, 1570, 1571  
 — *v. Germantown Pass. R. Co.* (10 Pa. 165) 1635  
 — *v. Gilmartin* (71 Pa. 140) 2136, 2884, 2913  
 — *v. Given* (60 Pa. St. 136) 681, 732, 743, 748  
 — *v. Gorgas* (180 Pa. 296; 36 Atl. 868) 1170, 1172  
 — *v. Gowen* (202 Pa. 453; 52 Atl. 3) 2558  
 — *v. Greble* (38 Pa. 339) 2486  
 — *v. Haddington M. E. Church* (115 Pa. 291; 8 Atl. 241) 277, 278  
 — *v. Hafer* (38 Pa. Super. Ct. 382) 2559

## TABLE OF CASES CITED

339

[References are to pages]

- Philadelphia v. Hays* (93 Pa. St. 72) 1190  
 — *v. Hestonville M. & F. R. Co.* (177 Pa. 371; 35 Atl. 718) 2079, 2080  
 — *v. Hill* (166 Pa. 211; 30 Atl. 1134) 2560  
 — *v. Linnard* (97 Pa. St. 242) 1060, 1630, 1682  
 — *v. Lockhardt* (73 Pa. 211) 1278  
 — *v. Lombard & S. S. Pass. R. Co.* (3 Grant [Pa.] 403) 1972, 1979, 1980  
 — *v. McLinden* (205 Pa. 172; 54 Atl. 719) 1216, 1269  
 — *v. Malone* (214 Pa. 90; 63 Atl. 539) 1271  
 — *v. Meighan* (27 Pa. Super. Ct. 160) 2614, 2616  
 — *v. Merkle* (159 Pa. 515; 28 Atl. 360) 2593  
 — *v. Miller* (49 Pa. 40) 2363  
 — *v. Nichols Co.* (214 Pa. 265; 63 Atl. 886) 1270  
 — *v. Odd Fellows Hall Assoc.* (168 Pa. 105; 31 Atl. 917) 1815, 2614  
 — *v. Pemberton* (208 Pa. 214; 57 Atl. 516) 1222, 1261  
 — *v. Philadelphia & R. R. Co.* (58 Pa. St. 253) 1583, 1847, 1889, 1890, 1897, 1970  
 — *v. Philadelphia & R. R. Co.* (177 Pa. 292; 35 Atl. 610) 2590  
 — *v. Philadelphia & R. R. Co.* (38 Pa. Super. Ct. 529) 2590  
 — *v. Philadelphia & Trenton R. Co.* (6 Whart. [Pa.] 25) 1771  
 — *v. Philadelphia, W. & B. R. Co.* (33 Pa. 41) 2529, 2589  
 — *v. Pierson* (217 Pa. 193; 66 Atl. 321) 1270  
 — *v. Presbyterian Board* (9 Phila. 499) 1878  
 — *v. Presbyterian Board of Publication* (29 Leg. Int. 53) 1882  
 — *v. Randolph* (4 Watts & S. [Pa.] 514; 39 Am. Dec. 102) 914, 1821, 2918, 2934, 3038  
 — *v. Ridge Ave. P. R. Co.* (143 Pa. 444; 22 Atl. 695) 2078, 2079, 2080  
 — *v. River Front R. Co.* (173 Pa. 334; 34 Atl. 60) 1949  
 — *v. Rule* (93 Pa. 15) 2540, 2570  
 — *v. Scott* (81 Pa. 80; 22 Am. Rep. 738) 494  
 — *v. Sheppard* (158 Pa. 347; 27 Atl. 972) 1870  
 — *v. Spring Garden F. M. Co.* (161 Pa. 522; 29 Atl. 286) 2080, 2081  
 — *v. Stewart* (195 Pa. 309; 45 Atl. 1056; 198 Pa. 422; 48 Atl. 275; 201 Pa. 526; 51 Atl. 348) 1264, 1266, 1267  
*Philadelphia v. Thirteenth & F. Sts. P. R. Co.* (169 Pa. 269; 33 Atl. 126) 2708, 2079, 2080  
 — *v. Thomas' Heirs* (152 Pa. 494; 25 Atl. 873) 1730  
 — *v. Tryon* (35 Pa. 401) 1810, 1826, 2493, 2497, 2539, 2612  
 — *v. Union Burial Ground Soc.* (178 Pa. 533; 36 Atl. 172) 1815, 2573  
 — *v. Western Union Tel. Co.* (40 Fed. Rep. 615) 2075  
 — *v. Western Union Tel. Co.* (89 Fed. Rep. 454) 942, 2076  
 — *v. Wister* (35 Pa. 427) 2488, 2585  
 — *v. Wright* (100 Pa. 235) 2924  
 — *v. Yewdall* (190 Pa. 412; 42 Atl. 956) 2558  
*Philadelphia & B. R. Co. v. Brigantine* (60 N. J. L. 127; 37 Atl. 437) 955  
*Philadelphia & R. C. & I. Co. v. Petition* (200 Pa. 352; 49 Atl. 797) 328  
*Philadelphia & R. R. Co.'s Appeal* ([Pa.], 13 Reporter, 475) 1342  
*Philadelphia & R. R. Co. v. New York* (38 Fed. Rep. 159) 515, 2905  
 — *v. Philadelphia & T. R. Co.* (6 Whart. [Pa.] 25; 36 Am. Dec. 202) 1836, 1933, 2010  
*Philadelphia & So. S. S. Co. v. Pennsylvania* (122 U. S. 326) 2330, 2331, 2338  
*Philadelphia & Trenton R. Co., Inc. v. re* (6 Whart. [Pa.] 25; 36 Am. Dec. 202) 1760  
*Philadelphia & W. R. Co. v. Maryland* (10 How. [U. S.] 376) 2443, 2444  
*Philadelphia Assoc. for Dis. Firemen v. Wood* (39 Pa. 73) 750, 2312, 2425  
*Philadelphia Co. v. Freeport* (167 Pa. 279; 31 Atl. 571) 1912, 1915  
*Philadelphia Co.'s Petition* (210 Pa. 490; 60 Atl. 93) 257, 258, 317  
*Philadelphia Fire Assoc. v. New York* (119 U. S. 110) 2352, 2354  
*Philadelphia, M. & S. St. R. Co.'s Petition* (203 Pa. 354; 53 Atl. 191) 1956, 1980, 1982  
*Philadelphia M. & Trust Co. v. New Whatcom* (19 Wash. 225; 52 Pac. 1063) 2638  
*Philadelphia Provident Life & Trust Co. v. Mercer County* (170 U. S. 593, rev'g 72 Fed. Rep. 623) 1461, 1466, 1486, 1487  
*Philadelphia Trust, S. D. & Ins. Co. v. Merchantville* (75 N. J. L. 451; 68 Atl. 170) 1641



[References are to pages]

- Philadelphia, W. & B. R. R. Co.  
*v. Baltimore Appeal Tax Ct.* (50 Md. 397) 2423  
 — *v. Quigley* (21 How. [U. S.] 202) 2853, 2869  
 — *v. Wilmington City R. Co.* (8 Del. Ch. 134; 38 Atl. 1067) 1983, 2006, 2029  
*Petersburg v. Applegarth's Admr.* (28 Gratt. [Va.] 321; 26 Am. Rep. 357) 516, 1038, 2866, 2867  
 — *v. Cocke* (94 Va. 244; 26 S. E. 576) 2476  
 — *v. Mappin* (14 Ill. 193; 56 Am. Dec. 501) 1239  
 — *v. Metzker* (21 Ill. 205) 45, 953, 968  
 — *v. Petersburg Aqueduct Co.* (102 Va. 654; 47 S. E. 848) 2060, 2061, 2062  
 — *v. Petersburg Ben. Assoc.* (78 Va. 431) 2444  
*Philip Street, In re* (10 La. An. 313) 1645  
*Philips v. Tecumseh* (5 Neb. 305) 1012  
 — *v. Wickham* (1 Paige Ch. 590) 590, 718, 720, 926  
*Phillipsburg v. Degenhart* (30 Mont. 299; 76 Pac. 694) 681, 684  
*Phillips, In re* (60 N. Y. 16) 907, 947, 1812, 2581, 2608  
 — *v. Albany* (28 Wis. 340) 570  
 — *v. Allen* (41 Pa. St. 481; 82 Am. Dec. 486) 956, 960, 1082, 1107  
 — *v. Armada* (155 Mich. 260; 118 N. W. 941) 3053  
 — *v. Bloomington* (1 G. Green [Iowa] 498) 519  
 — *v. Bowers* (7 Gray [Mass.] 21) 1818  
 — *v. Coffee* (17 Ill. 154; 63 Am. Dec. 357) 630  
 — *v. Commonwealth* (44 Pa. St. 197) 2801, 2802  
 — *v. Council Bluffs* (63 Iowa, 576; 19 N. W. 672) 1822  
 — *v. Day* (82 Cal. 24; 22 Pac. 976) 1741  
 — *v. Denver* (19 Colo. 179; 34 Pac. 902; 41 Am. Rep. 230) 1049, 1050  
 — *v. Dunkirk W. & P. R. Co.* (78 Pa. 177) 1992  
 — *v. Harrow* (93 Iowa, 92; 61 N. W. 434) 1569, 1578, 1580  
 — *v. Jefferson County* (5 Kan. 412) 2829  
 — *v. New York* (88 N. Y. 245) 805  
 — *v. New York* (1 Hilt. [N. Y.] 483) 728  
 — *v. Mobile* (208 U. S. 472, aff'g 146 Ala. 158; 40 So. 826) 2352  
 — *v. Phillips Water Co.* (104 Me. 103; 71 Atl. 474) 2187  
*Phillips v. Reed* (109 Iowa, 188; 80 N. W. 347; s. c. 107 Iowa, 331; 76 N. W. 850; 77 N. W. 1031) 355, 1302, 1303  
 — *v. Scales Mound* (195 Ill. 353; 63 N. E. 180) 60, 441, 1631, 1674  
 — *v. South Park Com'rs* (119 Ill. 626; 10 N. E. 230) 1660, 1663  
 — *v. Stone Mountain* (61 Ga. 386) 990  
 — *v. Veazie* (40 Me. 96) 3034  
 — *v. Weltz* (40 Wash. 501; 82 Pac. 737) 881  
 — *v. Willow* (70 Wis. 6; 34 N. W. 731; 5 Am. St. Rep. 114) 3017  
*Phillips Academy v. Andover* (175 Mass. 118; 55 N. E. 841; 48 L. R. A. 550) 2446, 2536, 2583  
 — *v. King* (12 Mass. 546) 1569  
*Phillips Exeter Acad. v. Exeter* (58 N. H. 306) 2445, 2446  
*Phillipsburg Electric L., H. & P. Co. v. Phillipsburg* (66 N. J. L. 505; 49 Atl. 445) 2149, 2150  
*Phillipsburg Water Co. v. Phillipsburg* (203 Pa. 562; 53 Atl. 347) 2166  
*Philomath v. Ingle* (41 Oreg. 289; 68 Pac. 803) 2822  
*Philomath College v. Wyatt* (27 Oreg. 390; 31 Pac. 206; 37 Pac. 1022; 26 L. R. A. 68) 656  
*Phinizy v. Augusta* (47 Ga. 260) 3037  
*Phinizy v. Eve* (108 Ga. 360; 33 S. E. 1007) 149  
*Phipsburg v. Dickinson* (78 Me. 457; 7 Atl. 9) 684  
*Phoebus v. Manhattan Social Club* (105 Va. 144; 52 S. E. 839) 2830  
*Phoenix v. Gannon* (195 N. Y. 471; 88 N. E. 1066, rev'g 123 N. Y. App. Div. 93; 108 N. Y. Supp. 255) 1961  
*Phoenix Assur. Co. v. Montgomery Fire Dept.* (117 Ala. 631; 23 So. 843) 2469  
*Phoenix Carpet Co. v. State* (118 Ala. 143; 22 So. 627; 72 Am. St. Rep. 143) 2354  
*Phoenix F. & M. Ins. Co. v. Tennessee* (161 U. S. 174) 2449  
*Phoenix Ins. Co. v. Trenton Water Co.* (42 Mo. App. 118) 2304  
 — *v. Welch* (29 Kan. 672) 2353, 2354  
*Phoenix Nursery Co. v. Seibert* (101 Ill. App. 147) 623  
*Phoenix Water Co. v. Phoenix* (9 Ariz. 430; 84 Pac. 1095) 2115, 2161  
*Phoenixville, Re* (109 Pa. St. 44) 136, 137  
*Physicians v. Salmon* (3 Salk. 102) 606  
*Piatt County v. Goodell* (97 Ill. 84) 1888, 1893, 1901



[References are to pages]

- Picard v. East Tennessee, V. & G. R. Co.* (130 U. S. 637) 2449  
 — *v. Collins* (23 Barb. [N. Y.] 444) 1049  
 — *v. Pullman Southern Car Co.* (117 U. S. 34, aff'g 22 Fed. Rep. 276) 2331, 2346  
*Pickens v. Post* (99 Fed. Rep. 659) 1402, 1461, 1474, 1475  
*Pickering v. Shotwell* (10 Pa. 27) 1569  
*Pickett v. Hastings* (47 Cal. 269) 1758  
 — *v. Russell* (42 Fla. 116; 28 So. 764) 654, 1385, 2788  
 — *v. School Dist.* (25 Wis. 551; 3 Am. Rep. 105) 875, 1143, 1150  
*Pickhard v. Smith* (10 C. B. N. S. 470) 2978  
*Pickles v. Dry Dock Co.* (38 La. An. 412) 145  
*Pickton v. Fargo* (10 N. Dak. 469; 88 N. W. 90) 873, 2451  
*Picton v. Cass County* (13 N. Dak. 242; 100 N. W. 711) 291  
*Piedmont Paving Co. v. Allman* (136 Cal. 88; 68 Pac. 493) 1212, 2454  
*Pierce v. Bartram* (Cowp. 270) 963, 1072, 1077  
 — *v. Boston* (3 Metc. [Mass.] 520) 2479  
 — *v. Cambridge* (2 Cush. [Mass.] 611) 2446  
 — *v. Carpenter* (10 Vt. 480) 611, 628  
 — *v. Chamberlain* (82 Mo. 618) 1709  
 — *v. Drew* (136 Mass. 75; 49 Am. Rep. 7) 1926, 1928, 1930  
 — *v. Emery* (32 N. H. 484) 2424  
 — *v. Hagans* (79 Ohio St. 9; 86 N. E. 519) 2764, 2767, 2768  
 — *v. New Bedford* (129 Mass. 534; 37 Am. Rep. 387) 2904  
 — *v. Richardson* (37 N. H. 306) 678, 877, 878, 1546  
 — *v. Roberts* (57 Conn. 31; 17 Atl. 275) 1715, 1747, 1748  
 — *v. Somerworth* (10 N. H. 369) 609  
 — *v. Spokane* (7 Wash. 132; 34 Pac. 428) 115  
 — *v. Tripp* (13 R. I. 181) 2873  
 — *v. Wilmington* (2 Md. 306; 43 Atl. 162) 2972, 2998, 2999  
*Pierce County v. Merrill* (19 Wash. 175; 52 Pac. 854) 2479  
*Pierce's Appeal* (78 Conn. 666; 63 Atl. 161) 785, 786, 815  
*Piercy v. Everill* (37 Hun [N. Y.] 360) 767  
*Pier 15, East River, In re* (95 N. Y. App. Div. 501; 88 N. Y. Supp. 906) 1676  
*Pieri v. Shieldsboro* (42 Miss. 493) 1035, 1038, 2753  
*Pierpont v. Harrisville* (9 W. Va. 215) 1695, 1697  
*Pierre v. Dunscomb* (106 Fed. Rep. 611, certiorari denied, 181 U. S. 621) 379, 383, 395, 1238, 1472, 1505  
*Pierson v. Dover* (61 N. J. L. 404; 39 Atl. 675) 910  
 — *v. People* (204 Ill. 456; 68 N. E. 383) 2549  
*Piggott v. Goldstraw* (84 Law T. 94) 1709  
*Pike v. Megam* (44 Mo. 491) 919  
 — *v. Middleton* (12 N. H. 278) 76, 564, 565  
 — *v. State* (5 Ark. 204) 2372  
 — *v. Waltham* (168 Mass. 581; 47 N. E. 437) 1277  
*Pike County v. Griffin & W. P. Pl. R. Co.* (9 Ga. 475; 15 Ga. 39) 2749  
 — *v. Hosford* (11 Ill. 170) 1318  
 — *v. Norrington* (82 Ind. 190) 1588  
 — *v. Rowland* (94 Pa. 238) 427, 865  
 — *v. State* (11 Ill. 202) 179, 2708  
*Pikes Peak Power Co. v. Colorado Springs* (105 Fed. Rep. 1) 1595, 2117, 2118, 2127, 2129, 2130, 2131, 2134, 2227, 2258  
*Pilie v. New Orleans* (19 La. An. 274) 741  
*Pillsbury v. Brown* (47 Cal. 478) 1121  
 — *v. Springfield* (16 N. H. 565) 1651  
*Pim v. Ontario* (9 Upper Can. C. P. 304) 1189  
*Pimental v. San Francisco* (21 Cal. 351) 861, 874, 1170, 1185, 1195, 1590, 2823  
*Pinckney v. Henegan* (2 Strob. [S. Car.] 250; 49 Am. Dec. 592) 2726  
*Pine Bluff Water & L. Co. v. Pine Bluff* (62 Ark. 196; 35 S. W. 227) 2795  
*Pine Civil Tp. v. Huber Mfg. Co.* (83 Ind. 121) 1179  
*Pine Grove Tp. v. Talcott* (19 Wall. [U. S.] 666) 1364, 1405, 1407, 1409, 1526  
*Pine Island Bd. of Education v. Jewell* (44 Minn. 427; 46 N. W. 914) 763, 764  
*Pine St. v. Albany, In re* (15 Wend. [N. Y.] 374) 1636, 1649  
*Pine Tree Lumber Co. v. Fargo* (12 N. Dak. 360; 96 N. W. 357) 1251, 1306, 1307  
*Pineville v. Burchfield* ([Ky.] 19 Ky. Law Rep. 984; 42 S. W. 340) 874  
 — *v. Creech* ([Ky.] 26 S. W. 1101) 2428  
*Pingree v. Mutual Gas Co.* (107 Mich. 156; 65 N. W. 6) 2210, 2211  
*Pinnix v. Durham* (130 N. Car. 360; 41 S. E. 932) 3000  
*Pioneer Iron Co. v. Negaunee* (116 Mich. 430; 74 N. W. 700) 2425

[References are to pages]

- Piper v. Chappell* (14 M. & W. 624) 952, 954, 974, 982  
 — *v. Madison* (140 Wis. 311; 122 N. W. 730; 25 L. R. A. N. s. 239) 2910, 2912  
 — *v. Moulton* (72 Me. 155) 1569  
 — *v. Singer* (4 Serg. & R. [Pa.] 354) 2432  
 — *v. Spokane* (22 Wash. 147; 60 Pac. 138) 2820, 3014  
*Pipher v. People* (183 Ill. 436; 56 N. E. 84) 2600  
*Piqua v. Zimmerlin* (35 Ohio St. 507) 987  
*Pitt County v. McDonald* (148 N. Car. 125; 61 S. E. 643) 2675, 2692  
*Pittman v. El Reno* (4 Okl. 638; 46 Pac. 495) 3002  
*Pitts v. Opelika* (79 Ala. 527) 945  
 — *v. Vicksburg* (72 Miss. 181; 16 So. 418) 996  
*Pittsburgh, Appeal of* (115 Pa. 4; 7 Atl. 778) 2062  
*Pittsburgh's Appeal* (118 Pa. St. 458; 12 Atl. 366) 2752  
 — (123 Pa. 374; 16 Atl. 621) 2590  
*Pittsburgh, Petition* (138 Pa. 401; 21 Atl. 757, 759, 761) 314, 315, 316, 317, 1621, 2541  
*Pittsburgh, In re* (217 Pa. 227; 66 Atl. 348; 120 Am. St. Rep. 845) 622  
 — *v. Brace* (158 Pa. St. 714; 27 Atl. 854) 521  
 — *v. Broderson* (10 Kan. App. 430; 62 Pac. 5) 3019  
 — *v. Cluley* (74 Pa. St. 262) 881  
 — *v. Consolidated Gas. Co.* (34 Pa. Super. Ct. 374) 2067  
 — *v. Coursin* (74 Pa. 400) 2607  
 — *v. Coyle* (165 Pa. 61; 30 Atl. 452) 2471  
 — *v. Craft* (1 Pitts. [Pa.] 158) 609  
 — *v. Epping-Carpenter Co.* (194 Pa. St. 318; 45 Atl. 129) 1719, 1728, 1733, 1738, 1757  
 — *v. Grier* (22 Pa. St. 54; 60 Am. Dec. 65) 69, 516, 2904, 2905  
 — *v. Knowlson* (92 Pa. 116) 2485  
 — *v. McKnight* (91 Pa. 202) 2478  
 — *v. Scott* (1 Pa. St. 309) 1785, 1786  
 — *v. Sterrett Subdistrict School* (204 Pa. 635; 54 Atl. 463) 2577  
 — *v. Walter* (69 Pa. 365) 2596, 2597  
 — *v. Woods* (44 Pa. 113) 2539  
*Pittsburgh & B. Pass. R. Co. v. Birmingham* (51 Pa. St. 41) 1980, 2079  
 — *v. Pittsburgh* (80 Pa. 72) 2079, 2994  
*Pittsburgh & Connelsville R. Co.* (63 Pa. St. 126) 1508  
*Pittsburgh & S. Coal Co. v. Bates* (40 La. An. 226; 3 So. 642; 8 Am. St. Rep. 519, aff'd 156 U. S. 577) 2335, 2336  
*Pittsburgh & S. R. Co. v. Allegheny County* (79 Pa. St. 210) 1508  
*Pittsburgh & W. E. P. R. Co. v. Point Bridge Co.* (165 Pa. 37; 30 Atl. 511) 1831  
*Pittsburgh, C., C. & St. L. R. Co. v. Backus* (154 U. S. 421) 2333, 2334, 2340, 2341, 2366, 2368, 2409  
 — *v. Chicago* (242 Ill. 178; 89 N. E. 1022, aff'g 144 Ill. App. 293) 2820, 2851  
 — *v. Crown Point* (146 Ind. 421; 45 N. E. 587) 449, 453, 925, 943, 1094  
 — *v. Crown Point* (150 Ind. 536; 50 N. E. 741) 1690, 1705, 1710  
 — *v. Fish* (158 Ind. 525; 63 N. E. 454) 1395, 2452, 2587, 2625  
 — *v. Hartford City* (20 L. R. A. N. s. 461; 170 Ind. 674; 82 N. E. 787) 2064  
 — *v. Hays* (17 Ind. App. 261; 44 N. E. 375; 45 N. E. 675; 46 N. E. 597) 1767, 1768, 2587  
 — *v. Hood* (94 Fed. Rep. 618) 902, 1083, 1952, 1989, 1990, 2068  
 — *v. Indianapolis* (147 Ind. 292; 46 N. E. 641) 620  
 — *v. Noftager* (148 Ind. 101; 47 N. E. 332; s. c. 26 Ind. App. 614; 60 N. E. 372) 1706  
 — *v. Robson* (204 Ill. 254; 68 N. E. 468) 1093  
 — *v. Taber* (168 Ind. 419; 77 N. E. 741) 2534, 2538, 2587, 2623, 2625  
 — *v. Warrum* (42 Ind. App. 179; 82 N. E. 934) 1723, 1724, 1982  
 — *v. West Virginia Board of Public Works* (172 U. S. 32) 2341, 2364, 2406  
*Pittsburgh, Ft. W. & C. R. Co. v. Cheevers* (149 Ill. 430; 37 N. E. 49) 1790  
 — *v. Commonwealth* (66 Pa. 73; 5 Am. Rep. 344) 2315  
 — *v. Dunn* (56 Pa. 280) 1713  
 — *v. Martin* (53 Ohio St. 386; 41 N. E. 690) 287  
 — *v. Reich* (101 Ill. 157) 2017, 2925, 2946  
*Pittsburgh, V. & C. R. Co. v. Commonwealth* (101 Pa. St. 192) 1990, 2803  
*Pittsfield v. Barnstead* (40 N. H. 477) 765  
*Pittson v. Clark* (15 Maine, 460) 75  
*Pittston v. Hart* (89 Pa. 389) 2963, 2965  
*Pitzman v. Freeburg* (92 Ill. 111) 580  
*Pixley v. Clark* (35 N. Y. 520; 91 Am. Dec. 72) 2307

## TABLE OF CASES CITED

343

[References are to pages]

- Place v. Providence* (12 R. I. 1) 2757, 2770, 2772, 2783  
*Placerville v. Wilcox* (35 Cal. 21) 2405  
*Placke v. Union Depot R. Co.* (140 Mo. 634; 41 S. W. 915) 2007, 2022  
*Plains Tp., Appeal of* (206 Pa. 556; 56 Atl. 60) 2798  
*Plainview v. Mendelson* (65 Neb. 85; 90 N. W. 956) 2998  
 — *v. Winona & St. Peter R. Co.* (36 Minn. 505; 32 N. W. 745) 1405, 1438  
*Plan 166* (143 Pa. 414; 22 Atl. 669) 1630, 2924  
*Plank R. Co. v. Husted* (3 Ohio St. 578) 464  
*Planters' Oil Mill v. Monroe Waterworks & L. Co.* (52 La. An. 1243; 27 So. 684) 2304  
*Plaquemines v. Foulhouse* (30 La. An. 64) 1581, 1588, 1700, 1892  
*Platt v. Craig* (66 Ohio St. 75; 63 N. E. 594) 252, 302  
 — *v. Hitchcock County* (139 Fed. Rep. 929) 1466, 1471, 1531  
 — *v. Oneonta* (88 N. Y. App. Div. 192; 84 N. Y. Supp. 699, aff'd 183 N. Y. 516; 76 N. E. 1106) 1813  
 — *v. People* (29 Ill. 54) 643  
 — *v. Rice* (10 Watts [Pa.] 352) 2444  
 — *v. Waterbury* (72 Conn. 531; 45 Atl. 154; 77 Am. Rep. 335) 2882, 3054  
*Platt Bros. & Co. v. Waterbury* (80 Conn. 179; 67 Atl. 508; 125 Am. St. Rep. 111) 3053  
*Platte & D. Canal & Milling Co. v. Lee* (2 Colo. App. 184; 29 Pac. 1036) 991  
*Platter v. Elkhart County* (103 Ind. 360; 2 N. E. 544) 924, 1582, 1589, 1596  
 — *v. Seymour* (86 Ind. 323) 2874  
*Platteville v. Bell* (43 Wis. 488) 1015  
 — *v. Bell* (66 Wis. 326; 28 N. W. 404) 1588  
 — *v. Hooper* (63 Wis. 381; 23 N. W. 581) 683  
*Plattsburg v. Peoples' Tel. Co.* (88 Mo. App. 306) 1923, 1930, 2146  
 — *v. Riley* (42 Mo. App. 18) 618  
 — *v. Trimble* (46 Mo. App. 459) 1110, 1113  
*Plattsburgh, Matter of* (157 N. Y. 78; 51 N. E. 512, rev'g 27 N. Y. App. Div. 353; 50 N. Y. Supp. 356) 1143, 1149, 1202  
*Plattsmouth v. Mitchell* (20 Neb. 228; 29 N. W. 593) 2984, 2996, 3016  
 — *v. Nebraska Tel. Co.* (80 Neb. 460; 114 N. W. 588; 14 L. R. A. N. s. 654; 127 Am. St. Rep. 779) 1923, 2062  
*Platz v. Cohoes* (89 N. Y. 219) 2903, 3004  
*Player v. Jenkins* (1 Sid. 284) 1072  
*Pleasant v. Kost* (29 Ill. 490) 2459  
*Pleasant Hill v. Dasher* (120 Mo. 675; 25 S. W. 566) 2595  
*Pleasant Township v. Aetna Life Ins. Co.* (138 U. S. 67) 64, 574  
*Pleasanton v. Rhine* (8 Kan. App. 452; 54 Pac. 512) 3014  
*Pleasants v. Shreveport* (110 La. 1046; 35 So. 283) 2770  
*Plimpton v. Bigelow* (93 N. Y. 592) 2412  
 — *v. Somerset* (33 Vt. 283) 184, 978, 1126  
*Plum v. Kansas City* (101 Mo. 525; 14 S. W. 657) 1663  
 — *v. Morris Canal & B. Co.* (10 N. J. Eq. 256) 1820, 2925  
*Plumley v. Massachusetts* (155 U. S. 461) 554, 1007  
*Plummer v. Borsheim* (8 N. Dak. 565; 80 N. W. 690) 331  
 — *v. Kennedy* (72 Mich. 295; 40 N. W. 433) 775  
*Plunkett's Creek v. Crawford* (27 Penn. St. 107) 621, 624, 628  
*Plymouth v. Chestnut Hill & N. R. Co.* (168 Pa. 181; 32 Atl. 19) 1950, 1953, 1958, 1959  
 — *v. Cooper* (135 N. Car. 1; 47 S. E. 129) 2476  
 — *v. Jackson* (15 Pa. St. 44) 144, 235, 625  
 — *v. Painter* (17 Conn. 585; 44 Am. Dec. 574) 721  
 — *v. Pere Marquette R. Co.* (139 Mich. 347; 102 N. W. 947) 1617  
 — *v. Pettijohn* (4 Dev. Law [N. Car.] 591) 963, 964, 2323  
 — *v. Schultheis* (135 Ind. 339; 35 N. E. 12) 935  
*Plymouth Borough, In re* (167 Pa. St. 612; 31 Atl. 933) 621  
*Plymouth County v. Moore* (114 Iowa, 700; 87 N. W. 662) 2479, 2480  
*Pocantico Water Works Co. v. Bird* (130 N. Y. 249; 29 N. E. 246) 2117  
*Pocattello Water Co. v. Standley* (7 Idaho, 155; 61 Pac. 518) 2214  
*Podhaisky v. Cedar Rapids* (106 Iowa, 543; 76 N. W. 847) 3038  
*Poillon v. Brooklyn* (101 N. Y. 132; 4 N. E. 191) 452, 458, 1184  
 — *v. Brunner* (66 N. J. L. 116; 48 Atl. 541, aff'd 67 N. J. L. 353; 51 Atl. 1109) 2626  
 — *v. Rutherford* (65 N. J. L. 538; 47 Atl. 439) 2537, 2609

[References are to pages]

- Poindexter v. Greenhow* (114 U. S. 270) 2674  
*Point Pleasant Bridge Co. v. Point Pleasant* (32 W. Va. 328; 9 S. E. 231) 494  
*Polack v. San Francisco Orphan Asylum* (48 Cal. 490) 1835, 1837  
*Poland v. Dreyfous* (48 La. An. 83; 18 So. 906) 441  
 — *v. Strout* (19 Me. 121) 627  
*Polhemus v. Bateman* (60 N. J. L. 163; 37 Atl. 1015) 503  
*Police Com'rs v. Louisville* (3 Bush. [Ky.] 597) 154  
*Police Jury v. Britton* (15 Wall. [U. S.] 586) 529, 530, 548, 583  
 — *v. McCormack* (32 La. An. 624) 628  
 — *v. McDonough* (8 La. An. 341) 569  
 — *v. Michael* (4 La. An. 84) 468  
 — *v. Monroe* (38 La. An. 630) 63  
 — *v. Shreveport* (5 La. An. 661) 147, 185  
 — *v. Villaviabo* (12 La. An. 788) 964  
*Poling v. Philippi Board of Education* (50 W. Va. 374; 40 S. E. 357) 2678  
*Polinsky v. People* (11 Hun [N. Y.] 390; 73 N. Y. 65) 902, 903, 972  
*Polk v. McCartney* (104 Iowa, 567; 73 N. W. 1067) 1212, 1219  
 — *v. Plummer* (2 Humph. [Tenn.] 500; 37 Am. Dec. 566) 77  
*Polk County v. Cedartown* (110 Ga. 824; 36 S. E. 50) 1798  
 — *v. Sherman* (99 Iowa, 60; 68 N. W. 562) 1285  
*Polk County Sav. Bank v. State* (69 Iowa, 24; 28 N. W. 416) 1252, 1254, 2577  
*Pollard v. Cadillac* (133 Mich. 503; 95 N. W. 536) 2814  
 — *v. Pleasant Hill* (3 Dillon, 195) 1386  
 — *v. Woburn* (104 Mass. 84) 3003  
*Pollard's Lessee v. Hagan* (3 How. [U. S.] 212) 474, 475, 481, 491, 501  
*Pollasky v. Schmid* (128 Mich. 699; 87 N. W. 1030) 861  
*Pollitz v. Consolidated Gas Co.* (118 N. Y. App. Div. 92; 102 N. Y. Supp. 1017) 2219  
*Pollock v. Farmers' Loan & Trust Co.* (157 U. S. 429) 2436, 2437  
 — *v. German F. Ins. Co.* (132 Mich. 225; 93 N. W. 436) 2353  
 — *v. Lawrence County* (7 Pitts. L. J. 373; s. c. 2 Pittsb. R. 137) 2680, 2686, 2720  
*Pollock's Adm. v. Louisville* (13 Bush [Ky.] 221) 2882, 2884, 2885, 2894  
*Pollok v. San Diego* (118 Cal. 593; 50 Pac. 769) 896, 910  
*Pomerene v. School Dist. No. 56* (56 Neb. 126; 76 N. W. 1078) 1285  
*Pomeroy v. Kelton* (78 Vt. 230; 62 Atl. 56) 2742  
 — *v. Mills* (3 Vt. 279; 23 Am. Dec. 207) 1699, 1707, 1752, 1795  
 — *v. Milwaukee & C. R. Co.* (16 Wis. 640) 2011  
*Pomeroy Salt Co. v. Davis, Treas.* (21 Ohio St. 555) 2408  
*Pomfrey v. Saratoga* (104 N. Y. 459; 11 N. E. 43) 2814, 2967, 3016  
*Pompton v. Cooper Union* (101 U. S. 196) 233, 1350, 1420, 1461  
*Ponca v. Crawford* (23 Neb. 662; 37 N. W. 609; 8 Am. St. Rep. 144) 2996  
*Pond v. Metropolitan Elev. R. Co.* (112 N. Y. 186; 19 N. E. 487; 8 Am. St. Rep. 734) 2000, 2045, 2046  
 — *v. Metrop. Elev. Ry. Co.* (42 Hun [N. Y.] 567) 2046  
 — *v. Negus* (3 Mass. 230; 3 Am. Dec. 131) 872, 920  
 — *v. New Rochelle Water Co.* (183 N. Y. 330; 76 N. E. 211, aff'g 107 N. Y. App. Div. 624; 95 N. Y. Supp. 1155; 1 L. R. A. N. s. 598) 2236, 2237, 2238  
 — *v. Parrott* (42 Conn. 13) 2654, 2658  
 — *v. United States* (111 Fed. Rep. 989) 763  
*Ponisichil v. Hoquiam Sash & D. Co.* (41 Wash. 303; 83 Pac. 316) 1836, 1838, 1839, 1843, 1844  
*Pontiac v. Axford* (49 Mich. 69; 12 N. W. 914) 873, 880  
 — *v. Carter* (32 Mich. 164) 1817, 2865, 2914, 2918, 2923, 2932  
 — *v. Talbot Pav. Co.* (96 Fed. Rep. 679; s. c. 94 Fed. Rep. 65) 1253, 1258, 2547  
*Pontiac, O. & N. R. Co. v. Oakland Circuit Judge* (142 Mich. 257; 105 N. W. 745) 2652  
*Pontotoc v. Fulton* (79 Miss. 511; 31 So. 102) 1378  
*Pool v. Boston* (5 Cush. [Mass.] 219) 552, 741  
 — *v. Breese* (114 Ill. 594; 3 N. E. 714) 1631  
*Poole v. Bentley* (12 East, 168) 1594  
 — *v. Falls Road Elect. R. Co.* (88 Md. 533; 41 Atl. 1069) 2006  
 — *v. Huskinson* (11 M. & W. 827) 1696, 1707, 1723  
 — *v. Paris Mountain Water Co.*

## TABLE OF CASES CITED

345

[References are to pages]

- (81 S. Car. 438; 62 S. E. 874;  
128 Am. St. Rep. 923) 2209, 2219,  
2220
- Pooler v. Reed* (73 Me. 129) 725
- Poor v. Iowa Cent. R. Co.* (155  
Fed. Rep. 226) 2258
- Pope v. Headen* (5 Ala. 433) 2485
- *v. Phifer* (3 Heisk. [Tenn.]  
682) 2393
- *v. St. Luke's Par. Com'rs* (12  
Rich. [S. Car.] L. 407) 1799
- *v. Savannah* (74 Ga. 365) 990
- *v. Union* (18 N. J. Eq. 282) 1716
- Pope County v. Sloan* (92 Ill. 177) 423
- Poppen v. Holmes* (44 Ill. 362; 92  
Am. Dec. 186) 959, 960
- Poppleton v. Moores* (62 Neb.  
851; 88 N. W. 128; s. c. 67  
Neb. 388; 93 N. W. 747) 2140,  
2755, 2763, 2785
- *v. Yamhill County* (18 Oreg.  
377; 23 Pac. 253) 2415
- Porch v. St. Bridget's Congrega-  
tion* (81 Wis. 599; 51 N. W.  
1007) 896
- Port v. Russell* (36 Ind. 60; 10  
Am. Rep. 5) 1141
- Port Angeles v. Lauridsen* (26  
Wash. 153; 66 Pac. 403) 2637
- Port Gibson v. Moore* (21 Miss.  
157) 601
- Port Huron v. Chadwick* (52 Mich.  
320; 17 N. W. 929) 1697, 1700
- *v. McCall* (46 Mich. 565; 10  
N. W. 23) 453, 457, 1497
- Port Jervis v. Port Jervis First  
National Bank* (96 N. Y. 550) 3029
- Port Jervis Water Works Co. v.  
Port Jervis* (151 N. Y. 111;  
45 N. E. 388, aff'g 71 Hun [N.  
Y.] 66; 24 N. Y. Supp. 497) 1184,  
2293
- Port Rowan High School Trs. v.  
Walsingham* (23 Upper Can.  
C. P. 11) 608
- Port Wardens v. Pratt* (10 Rob.  
[La.] 459) 475
- *v. Ship, &c.* (14 La. An.  
289) 475
- Port Whitby L. S. & H. R. Co. v.  
Whitby* (18 Upper Can. Q. B.  
40) 1793
- Porter v. Androscoggin & K. R.  
Co.* (37 Me. 349) 630
- *v. Blakely* (1 Root (Conn.)  
440) 610
- *v. Boyd Pav. & Const. Co.*  
(214 Mo. 1; 112 S. W. 235) 2632
- *v. Carpenter* (39 Fla. 14; 21  
So. 788) 1716
- *v. Haight* (45 Cal. 631) 771
- *v. Janesville* (3 Fed. Rep.  
617) 2810
- Porter v. North Missouri R. Co.* (33  
Mo. 128) 1991, 2000, 2010, 2012, 2021
- *v. People* (182 Ill. 516; 55  
N. E. 349) 2740
- *v. Ritch* (70 Conn. 235; 39  
Atl. 169; 39 L. R. A. 353) 771
- *v. Rockford, R. I. & St. L. R.  
Co.* (76 Ill. 561) 2424, 2765
- *v. Shields* (200 Pa. 241; 49  
Atl. 785) 2395
- *v. State* (141 Ind. 488; 40  
N. E. 1061) 2461
- *v. Thomson* (22 Iowa, 391) 775,  
777
- *v. Tipton* (141 Ind. 347; 40  
N. E. 802) 1250, 1391
- *v. Vinzant* (49 Fla. 213; 38  
So. 607; 111 Am. St. Rep. 93) 449,  
1109
- Porter, &c. Hardware Co. v. Per-  
due* (105 Ala. 293; 16 So. 713) 469,  
470
- Portland v. Bangor* (42 Me. 403) 1099
- *v. Bangor* (65 Me. 120; 20  
Am. Rep. 681) 1099, 1127
- *v. Bituminous Co.* (33 Oreg.  
307; 52 Pac. 28) 1261, 1262, 1263
- *v. Cook* (48 Oreg. 550; 87  
Pac. 772; 9 L. R. A. N. S. 733) 901,  
1048, 1049
- *v. Kamm* (10 Oreg. 383) 1684
- *v. Lee Sam* (7 Oreg. 397) 1684
- *v. Meyer* (32 Oreg. 368; 52  
Pac. 21; 67 Am. St. Rep. 538) 1048
- *v. Montgomery* (38 Oreg.  
215; 62 Pac. 755) 498, 501, 502, 503
- *v. New England Tel. & Tel.  
Co.*, 103 Me. 240; 68 Atl. 1040) 2056
- *v. O'Neill* (1 Oreg. 218) 996,  
2475
- *v. Portland Water Co.* (67  
Me. 135) 2174
- *v. Richardson* (54 Me. 46;  
89 Am. Dec. 720) 3031, 3032, 3033
- *v. Schmidt* (13 Oreg. 17; 6  
Pac. 221) 449, 1014, 1017, 1018,  
1021, 1022
- *v. Terwilliger* (16 Oreg. 465;  
19 Pac. 90) 1032, 1564
- *v. Whittle* (3 Oreg. 126) 1716,  
1754
- *v. Yick* (44 Oreg. 439; 75  
Pac. 706; 102 Am. St. Rep.  
633) 914, 950, 1111
- Portland & Oxford Central R. Co.  
v. Hartford* (58 Me. 23) 584, 1416
- Portland & R. R. Co. v. Deering*  
(78 Me. 61; 2 Atl. 670; 57 Am.  
Rep. 784) 1616
- Portland & W. V. R. Co. v. Port-  
land* (14 Oreg. 188; 12 Pac. 265;  
58 Am. Rep. 299) 143, 196, 1612,  
1702, 1738, 1757, 1762, 1770



## TABLE OF CASES CITED

[References are to pages]

- Portland Lumbering & Mfg. Co.  
*v. East Portland* (18 Oreg. 21; 22  
 Pac. 536; 6 L. R. A. 290) 1252
- Portland Lumbering, &c. Co. *v.*  
*School Dist. No. 1* (13 Oreg.  
 283; 10 Pac. 350) 1588
- Portland Nat. Gas & Oil Co. *v.*  
*State* (135 Ind. 54; 34 N. E.  
 818) 2205, 2209
- Portland, S. & P. R. Co. *v. Saco*  
 (60 Me. 196) 2443
- Portland Sav. Bank *v. Evansville*  
 (25 Fed. Rep. 389) 1344, 1495
- Portsmouth *v. Smith* (L. R. 13  
 Q. B. Div. 184) 1770
- Portsmouth Gas Co. *v. Sanford*  
 (97 Va. 124; 33 S. E. 516; 45  
 L. R. A. 246) 472, 743
- Portsmouth Sav. Bank *v. Ashley*  
 (91 Mich. 670; 52 N. W. 74;  
 30 Am. St. Rep. 511) 1399, 1479
- *v. Omaha* (67 Neb. 50; 93  
 N. W. 231) 2451, 2530, 2537,  
 2596, 2610
- *v. Springfield* (4 Fed. Rep.  
 276) 1420, 1495, 1531
- Portsmouth, &c. Co. *v. Watson* (10  
 Mass. 91) 440
- Posey *v. Mobile County* (50 Ala.  
 6) 1247
- *v. North Birmingham* (154  
 Ala. 511; 45 So. 663; 15 L. R.  
 A. N. s. 711) 2114, 2135, 2910,  
 2911
- Post *v. Boston* (141 Mass. 189;  
 4 N. E. 815) 2955, 2963
- *v. Pearsall* (22 Wend. [N. Y.]  
 425) 1695, 1708, 1755
- *v. Pulaski County* (49 Fed.  
 Rep. 628; 9 U. S. App. 1) 1483
- *v. Supervisors* (105 U. S. 667)  
 1479, 1517
- Postal Tel. Cable Co. *v. Adams*  
 (155 U. S. 688) 1926, 2333, 2349,  
 2350, 2353, 2357
- *v. Baltimore* (156 U. S. 210;  
 24 L. R. A. 161) 1924, 2072
- *v. Charleston* (153 U. S. 692) 1925,  
 2331, 2349
- *v. Eaton* (170 Ill. 513; 49  
 N. E. 365; 39 L. R. A. 722; 62  
 Am. St. Rep. 390) 1928, 1931
- *v. Morgan's L. & T. R. R.*  
*& S. S. Co.* (49 La. An. 58; 21  
 So. 183) 1926
- *v. New Hope* (192 U. S. 55) 942,  
 1003, 2074, 2075
- *v. Newport* ([Ky.] 76 S. W.  
 159) 1952, 1954
- *v. Norfolk* (101 Va. 125; 43  
 S. E. 207) 2349, 2472
- *v. Oregon Short L. R. Co.*  
 (114 Fed. Rep. 787) 1924
- Postal Tel. Cable Co. *v. Oregon*  
*S. L. R. Co.* (23 Utah, 474; 65  
 Pac. 735; 90 Am. St. Rep. 705)  
 1924
- *v. Richmond* (99 Va. 102;  
 37 S. E. 789; 86 Am. St. Rep.  
 877) 2348, 2349
- *v. Taylor* (192 U. S. 64) 2074, 2075
- Postmaster-Gen. *v. Rice* (Gilpin,  
 554) 682
- Poth *v. New York* (151 N. Y. 16;  
 45 N. E. 372) 2829
- Potomac Steamboat Co. *v. Upper*  
*Pot. Steamboat Co.* (109 U. S.  
 672) 483, 485, 490, 511, 513,  
 1701, 1702, 1759
- Pottawatomie County *v. Sullivan*  
 (17 Kan. 58) 1682
- Potter *v. Black* (15 Wash. 186;  
 45 Pac. 787) 1304
- *v. Calumet Elect. St. R. Co.*  
 (158 Fed. Rep. 521) 1946, 1954  
 1972, 1966
- *v. Castleton* (53 Vt. 435) 2975
- *v. Chaffee County* (33 Fed.  
 Rep. 614) 1430
- *v. Collis* (19 N. Y. App. Div.  
 392; 46 N. Y. Supp. 471, *aff'd*  
 156 N. Y. 16; 50 N. E. 413) 196,  
 1932, 2778, 2781
- *v. Douglas County* (87 Mo.  
 239) 353, 416
- *v. Greenwich* (26 Hun [N. Y.]  
 326, *aff'd* 92 N. Y. 662) 1538
- *v. Interborough R. T. Co.*  
 (54 N. Y. Misc. 423; 105 N. Y.  
 Supp. 1071, *aff'd* 124 N. Y. App.  
 Div. 920; 108 N. Y. Supp. 1145)  
 1872, 1875
- *v. Lainhart* (44 Fla. 647; 33  
 So. 251) 128, 1385, 1399, 1414,  
 1526
- *v. Luther* (3 Johns. [N. Y.]  
 431) 678
- *v. Menasha* (30 Wis. 492) 1040,  
 1790
- *v. New Whatcom* (20 Wash.  
 589; 56 Pac. 394; 72 Am. St.  
 Rep. 135) 1303, 1306, 1307, 1313
- *v. Whatcom* (25 Wash. 207;  
 65 Pac. 197) 2600
- Potter County Water Co. *v.*  
*Austin* (206 Pa. 297; 55 Atl.  
 991) 2170
- Potts *v. Dunnville* (38 Upper Can.  
 Q. B. 96) 1156
- *v. Henderson* (2 Ind. 327) 777
- *v. Philadelphia* (195 Pa. 619;  
 46 Atl. 195) 1158, 1167, 1170
- Pottsville *v. Curry* (32 Pa. St.  
 443) 2799
- *v. Pottsville Gas Co.* (33 Pa.  
 Super. Ct. 480) 2069



## TABLE OF CASES CITED

347

[References are to pages]

- Potwin *v.* Johnson (108 Ill. 70) 295,  
320, 440
- Potwin Place *v.* Topeka R. Co.  
(51 Kan. 609; 33 Pac. 309; 37  
Am. St. Rep. 312) 2183
- Poudler *v.* Minneapolis (103 Minn.  
479; 115 N. W. 274) 1739
- Poughkeepsie *v.* King (38 N. Y. App.  
Div. 610; 57 N. Y. Supp. 116) 955
- *v.* Quintard (136 N. Y. 275;  
32 N. E. 764) 380, 383, 1507
- Poulan *v.* Atlanta C. L. R. Co.  
(123 Ga. 605; 51 S. E. 657) 458,  
1613, 1615, 1643, 1644, 1645
- Poulter's Co. *v.* Phillips (6 Bing.  
N. C. 315) 942, 985
- Poultney *v.* Wells (1 Aiken [Vt.]  
180) 199, 235, 1185
- Pound *v.* Chippewa County (43  
Wis. 63) 2451
- Pow *v.* Beckner (3 Ind. 475) 677
- Powell, *Ex parte* (43 Tex. Crim.  
Rep. 391; 66 S. W. 298) 923, 926
- *v.* Bowen (92 Ill. App. 453) 2974,  
3014, 3019, 3020
- *v.* Bullis (221 Ill. 379; 77 N.  
E. 575) 809, 822
- *v.* Commonwealth (114 Pa.  
265; 7 Atl. 913; 60 Am. Rep.  
350) 554, 1007
- *v.* Duluth (91 Minn. 53; 97  
N. W. 450) 2216, 2223
- *v.* Durden (61 Ark. 21; 31  
S. W. 740) 334
- *v.* Greensburg (150 Ind. 148;  
49 N. E. 955) 121, 1611
- *v.* Guest (18 C. B. N. s. 72) 637
- *v.* Madison (107 Ind. 106;  
8 N. E. 31) 380, 1507
- *v.* New York (65 N. Y. App.  
Div. 421; 72 N. Y. Supp. 990) 694
- *v.* Parkersburg (28 W. Va.  
698) 447, 2427, 2788
- *v.* Pennsylvania (127 U. S.  
687) 554
- *v.* People (121 Ill. App. 474) 693
- *v.* St. Joseph (31 Mo. 347) 1812
- Power *v.* Larabee (2 N. Dak. 141;  
49 N. W. 724) 2363, 2367
- Powers, *In re* (25 Vt. 261) 1133
- *v.* Boston (154 Mass. 60;  
27 N. E. 995) 2963
- *v.* Brooklyn Elev. R. Co. (157  
N. Y. 105; 51 N. E. 516, rev'g  
89 Hun [N. Y.] 288; 35 N. Y.  
Supp. 43) 2043
- *v.* Council Bluffs (45 Iowa,  
652; 24 Am. Rep. 792) 1888
- *v.* Council Bluffs (50 Iowa,  
197) 2882, 3015, 3024, 3038
- *v.* Detroit, G. H. & M. R.  
Co. (201 U. S. 543; aff'g 138  
Fed. Rep. 264) 2142, 2448, 2449
- Powers *v.* Manhattan R. Co. (120  
N. Y. 178; 24 N. E. 295) 2045
- *v.* Massachusetts Hom. Hos-  
pital (109 Fed. Rep. 294; 65  
L. R. A. 372) 2897
- *v.* New Haven (120 Ind.  
185; 21 N. E. 1083) 2603
- *v.* Philadelphia (18 Pa. Super.  
Ct. 621) 2890
- *v.* St. Joseph (91 Mo. App. 55) 2991
- *v.* Sanford (39 Me. 183) 2827, 2828
- *v.* State Line Tel. Co. (116  
N. Y. App. Div. 737; 102 N.  
Y. Supp. 34) 1928, 1929
- *v.* Superior Court (23 Ga.  
65) 569
- *v.* Wood County (8 Ohio St.  
285) 618
- Poweshiek County *v.* Ross (9  
Iowa, 511) 885
- Powles *v.* Page (3 Com. B. 31) 890
- Powsheik County *v.* Durant (9  
Wall. [U. S.] 736) 2715
- Poyer *v.* Des Plaines (123 Ill. 111;  
13 N. E. 819; 5 Am. St. Rep.  
494) 990, 991
- Poythress *v.* Mobile & O. R. Co.  
(92 Miss. 638; 46 So. 139) 1843
- Prairie *v.* Lloyd (97 Ill. 179) 1349,  
1536
- Prather *v.* Hart (17 Neb. 598; 24  
N. W. 282) 728
- *v.* Lexington (13 B. Mon.  
[Ky.] 559; 56 Am. Dec. 585) 2850,  
2884, 2885
- *v.* New Orleans (24 La. An.  
41) 1140
- *v.* Spokane (29 Wash. 549;  
70 Pac. 55; 59 L. R. A. 346;  
92 Am. St. Rep. 923) 2962, 2975
- Pratt *v.* Amherst (140 Mass. 167;  
2 N. E. 772) 2961
- *v.* Board of Police & Fire  
Com'rs (15 Utah, 1; 49 Pac.  
747) 792, 2672
- *v.* Breckinridge (112 Ky. 1;  
65 S. W. 136; 66 S. W. 405) 655
- *v.* Browne (135 Cal. 649; 67  
Pac. 1082) 325
- *v.* Des Moines N. W. R. Co.  
(72 Iowa, 249; 33 N. W. 666) 1821
- *v.* Hillman (4 B. & C. 269) 568
- *v.* Luther (45 Ind. 250) 904
- *v.* Phelan (67 N. Y. App. Div.  
349; 73 N. Y. Supp. 823) 714
- *v.* State (5 Conn. 388) 613
- *v.* Swan (16 Utah, 483; 52  
Pac. 1092) 717, 747, 792
- *v.* Swanton (15 Vt. 147) 830,  
831, 1193
- *v.* Weymouth (147 Mass. 245;  
17 N. E. 538; 9 Am. St. Rep.  
691) 2880, 2963

[References are to pages]

- Pray *v.* Jersey City (32 N. J. L. 394) 2852, 2950, 2957, 2958, 2994  
 — *v.* Northern Liberties (31 Pa. St. 69) 1364, 2573  
 Preachers' Aid Society (45 Me. 552) 610  
 Preble *v.* Portland (45 Me. 241) 870, 1655  
 Preferred Tontine Mercantile Co. *v.* Secretary of State (133 Mich. 395; 94 N. W. 417) 2721  
 Prell *v.* McDonald (7 Kan. 426; 12 Am. Rep. 423) 440, 669, 675, 948, 982  
 Prentis *v.* Atlantic Coast Line Co. (211 U. S. 210) 2256  
 Presbyterian Church *v.* New York (5 Cow. [N. Y.] 538) 464  
 Presbyterian Soc. of Waterloo *v.* Auburn & R. Co. (3 Hill [N. Y.] 567) 1929  
 Presbytery of New York, Matter of (9 Daly [N. Y.] 116, aff'd 80 N. Y. 642) 461  
 Presbytery of New York, *In re* (57 How. Pr. [N. Y.] 500) 461  
 Prescott *v.* Duquesne (48 Pa. St. 118) 516, 2646  
 — *v.* Edwards (117 Cal. 298; 49 Pac. 178; 59 Am. St. Rep. 186) 1715, 1727, 1740, 1743  
 — *v.* Gonser (34 Iowa, 175) 631, 1288, 2654, 2706  
 — *v.* Lennox (100 Tenn. 591; 47 S. W. 181) 626  
 — *v.* McNamara (73 Cal. 236; 14 Pac. 877) 1309  
 Prescott's Case (2 N. Y. City Hall Rec. 161) 1052  
 President *v.* State (45 Ala. 399) 1359, 1493  
 Presidio County *v.* City Nat. Bank (20 Tex. Civ. App. 511; 44 S. W. 1069) 1531  
 Presque Isle *v.* Thompson (22 U. S. App. 418; 61 Fed. Rep. 914) 443, 627  
 Press Publishing Co. *v.* Holahan (29 N. Y. Misc. 684; 62 N. Y. Supp. 872) 2776  
 — *v.* Pittsburgh (207 Pa. 623; 57 Atl. 75) 1170  
 Pressman *v.* Dickson City (13 Pa. Super Ct. 236) 3050  
 Presthus *v.* Gogebic Circuit Judge (142 Mich. 204; 105 N. W. 154) 2710  
 Preston *v.* Bacon (4 Conn. 471) 741  
 — *v.* Boston (12 Pick. [Mass.] 7) 2827, 2828, 2829, 2837  
 — *v.* Cedar Rapids (95 Iowa, 71; 63 N. W. 577) 874  
 — *v.* Detroit Water Com'rs (117 Mich. 589; 76 N. W. 92) 2213, 2223  
 Preston *v.* Hull (23 Gratt. [Va.] 600; 14 Am. Rep. 153) 1547  
 — *v.* Likes (103 Md. 191; 62 Atl. 1024) 1886  
 — *v.* Marion Ind. School Dist. (124 Iowa, 355; 100 N. W. 54) 2652  
 — *v.* Navasota (34 Tex. 684) 1716  
 — *v.* Roberts (12 Bush [Ky.] 570) 2493, 2494, 2526  
 — *v.* Rudd (84 Ky. 150) 2526, 2569  
 Prettyman *v.* Tazewell County (19 Ill. 406; 71 Am. Dec. 230) 346, 545, 569  
 Price *v.* Baker (41 Ind. 572; 13 Am. Rep. 346) 641  
 — *v.* Betz (199 Pa. 457; 49 Atl. 217) 3029  
 — *v.* Breckenridge (77 Mo. 447) 1722  
 — *v.* Breckenridge (92 Mo. 378; 5 S. W. 20) 1709, 1725, 1747  
 — *v.* Dennis (159 Ala. 625; 49 So. 249) 2322  
 — *v.* Engelking (58 Ill. App. 547) 1653  
 — *v.* Farley (22 Ohio Cir. Ct. 48) 757  
 — *v.* Grand Rapids & I. R. Co. (13 Ind. 58) 874, 875  
 — *v.* Grantz (118 Pa. St. 402; 11 Atl. 794; 4 Am. St. Rep. 601) 1036  
 — *v.* Harned (1 Iowa, 473) 2714  
 — *v.* Methodist E. Church (4 Ohio, 514) 1762  
 — *v.* People (193 Ill. 114; 61 N. E. 844; 55 L. R. A. 588; 86 Am. St. Rep. 306) 2463  
 — *v.* Plainfield (40 N. J. L. 608) 1736, 1739, 1747, 1748, 1756, 1897  
 — *v.* Riverside L. & Irr. Co. (56 Cal. 431) 2209  
 — *v.* St. Louis Police Relief Assoc. (90 Mo. App. 210) 760  
 — *v.* Seattle (39 Wash. 376; 81 Pac. 847) 791, 794  
 — *v.* Stratton (45 Fla. 535; 33 So. 644) 1716  
 — *v.* Thompson (48 Mo. 363) 1747, 1750, 1754, 1758, 1762, 1792  
 Price Co. *v.* Atlanta (105 Ga. 358; 31 S. E. 619) 2335  
 Prickett *v.* Marceline (65 Fed. Rep. 469) 386, 404, 405, 1453, 1522, 1524  
 Prideaux *v.* Mineral Point (43 Wis. 513; 28 Am. Rep. 558) 2975, 3003, 3018  
 Pridgen *v.* Bannerman (8 Jones [N. Car.] 53) 1655  
 Priestly *v.* Foulds (2 Scott N. R. 205) 589

# TABLE OF CASES CITED

349

[References are to pages]

- Priewe v. Wisconsin, &c. Imp. Co.* (93 Wis. 534; 67 N. W. 918) 489
- Prime v. McCarthy* (92 Iowa, 569; 61 N. W. 220) 1314
- *v. Yonkers* (192 N. Y. 105; 84 N. E. 571, rev'g 116 N. Y. App. Div. 699; 102 N. Y. Supp. 118) 1769, 2896, 3040, 3045
- *v. Yonkers* (131 N. Y. App. Div. 110; 115 N. Y. Supp. 305) 3052
- Primghar State Bank v. Rerick* (96 Iowa, 238; 64 S. W. 801) 262, 331
- Primm v. Belleville* (59 Ill. 142) 2391, 2397, 2406
- *v. Carondelet* (23 Mo. 22) 790
- Prince v. Crocker* (166 Mass. 347; 44 N. E. 446) 216, 345, 1761, 2103, 2774
- *v. Quincy* (105 Ill. 138; 44 Am. Rep. 785) 353, 356, 408
- *v. Quincy* (128 Ill. 443; 21 N. E. 768) 342, 351, 356, 359, 408
- *v. Skillin* (71 Me. 361; 36 Am. Rep. 325) 731
- Prince George's County v. Bladensburg* (51 Md. 465) 612
- *v. Burgess* (61 Md. 29) 3003, 3004
- Princeton v. Gebhart* (61 Ind. 187) 66
- *v. Vierling* (40 Md. 340) 2828, 2829
- Princeville v. Auten* (77 Ill. 325) 1690, 1707, 1708, 1747, 1752, 1753, 1755
- *v. Hitchcock* (101 Ill. App. 588) 1586
- Prindle v. Fletcher* (39 Vt. 255) 2963, 2974, 3020
- Pringle, In re* (67 Kan. 364; 72 Pac. 864) 2328
- (10 Upper Can. Q. B. 254) 732
- Prior v. Buehler & C. Const. Co.* (170 Mo. 439; 71 S. W. 205) 621, 2370, 2527, 2613, 2617
- *v. Swartz* (62 Conn. 132; 25 Atl. 398; 18 L. R. A. 668; 36 Am. St. Rep. 333) 483
- Pritchard v. Keefer* (53 Ill. 117) 776
- *v. Stevens* (6 Durn. & E. T. R. 522) 567
- Pritchett v. People* (6 Ill. 529) 842
- *v. Stanislaus County* (73 Cal. 310; 14 Pac. 795) 104, 279, 321
- Pritz, In re* (9 Iowa, 30) 308, 334
- Privett v. Bickford* (26 Kan. 52; 40 Am. Rep. 301) 639
- Probey v. District of Columbia* (26 App. D. C. 1) 1861
- Proctor v. Lewiston* (25 Ill. 153) 1707, 1708
- *v. Stone* (158 Mass. 564; 33 N. E. 704) 772
- Proprietors, &c. v. Horton* (6 Hill [N. Y.] 501) 127, 442
- Proprietors of Locks, &c. v. Lowell* (7 Gray [Mass.] 223) 3057
- Prospect Park, Matter of* (60 N. Y. 398, aff'g 2 Hun [N. Y.] 628) 1746
- Prospect Park & C. I. R. Co. v. Williamson* (91 N. Y. 552) 1611, 1614
- Prosser v. Ottumwa* (47 Iowa, 509) 2999, 3005
- *v. Wappello County* (18 Iowa, 327) 518
- Protestant Foster Home Soc. v. Newark* (36 N. J. L. 478, rev'g 35 N. J. L. 157) 2575
- Protestant Orphan Asylum, Appeal of* (111 Pa. 135; 3 Atl. 217) 2539, 2558, 2570, 2581, 2582
- Protzman v. Indianapolis & C. R. Co.* (9 Ind. 467; 68 Am. Dec. 650) 1796, 1977, 1999, 2000
- Prout v. Starr* (188 U. S. 537) 2258
- Providence v. Clapp* (17 How. [U. S.] 161) 2955, 2961, 2968, 2992
- *v. Miller* (11 R. I. 272; 23 Am. Rep. 453) 1176, 1177
- *v. Providence Elect. L. Co.* (122 Ky. 237; 91 S. W. 664) 411, 2147, 2294
- *v. Union R. Co.* (12 R. I. 473) 1957
- Providence & A. Turnpike Co. v. Scranton* (175 Pa. 290; 34 Atl. 637) 1800
- Providence & Wor. R. R. Co. v. Wright* (2 R. I. 459) 2419, 2423
- Providence Bank v. Billings* (4 Pet. [U. S.] 514) 2443, 2444
- Providence Gas Co. v. Thurber* (2 R. I. 15; 55 Am. Dec. 621) 2419, 2420
- Providence Retreat v. Buffalo* (29 N. Y. App. Div. 160; 51 N. Y. Supp. 654) 2451
- Provident Inst. for Sav. v. Allen* (37 N. J. Eq. 36) 2224, 2537
- *v. Jersey City* (113 U. S. 506) 2224, 2487
- *v. Jersey City* (52 N. J. L. 490; 19 Atl. 1096) 2601
- Provident Life & Trust Co. v. Mercer County* (170 U. S. 593) 580, 1375
- Provident Sav. Life Assur. Soc. v. Cutting* (181 Mass. 261; 63 N. E. 423; 92 Am. St. Rep. 415) 2656
- Provo v. Shurtliff* (4 Utah, 15; 5 Pac. 302) 1017
- Provost v. New Chester Water Co.* (162 Pa. 275; 29 Atl. 914) 1910
- Pruden v. Love* (67 Ga. 190) 766, 773

[References are to pages]

- Pruitt v. Armstrong* (56 Ala. 306) 742  
*Pryor, In re* (55 Kan. 724; 41 Pac. 958; 49 Am. St. Rep. 280) 449, 2230  
 — *v. Kansas City* (153 Mo. 135; 54 S. W. 499) 1155, 1178  
 — *v. Manhattan Eye & Ear Hospital* (15 N. Y. Supp. 621) 2897  
 — *v. Pryor* (26 L. T. N. S. 758) 1707  
*Ptacek v. People* (194 Ill. 125; 62 N. E. 530, aff'g 94 Ill. App. 571) 709, 2731  
*Public Instruction Com'rs v. Fell* (52 N. J. Eq. 689; 29 Atl. 816) 59, 60, 66  
*Public Ledger Co. v. Memphis* (93 Tenn. 77; 23 S. W. 51) 1200  
*Public Parks, Matter of* (47 Hun [N. Y.] 302) 2590  
*Public Road, In re* (54 N. J. L. 539; 24 Atl. 759) 1799  
*Public School Trustees v. Taylor* (30 N. J. Eq. 618) 447  
*Public Service Corporation v. American Lighting Co.* (67 N. J. Eq. 122; 57 Atl. 482) 2205, 2206, 2209, 2211  
 — *v. De Grote* (70 N. J. Eq. 454; 62 Atl. 65) 919  
*Public Works Co. v. Old Town* (102 Me. 306; 66 Atl. 723) 2215  
*Pudney v. Passaic* (36 N. J. L. 65) 2538  
 — *v. Passaic* (37 N. J. L. 65) 2510  
*Pueblo v. Babbitt* (47 Colo. 596; 108 Pac. 175) 2820, 2821  
 — *v. Robinson* (12 Colo. 593; 21 Pac. 899) 2399, 2564, 2620  
 — *v. Shutt Inv. Co.* (28 Colo. 524; 67 Pac. 162) 1651  
 — *v. Smith* (3 Colo. App. 386; 33 Pac. 685) 2960, 3004  
*Puffer v. Orange* (122 Mass. 389; 23 Am. Rep. 368) 2964  
*Puget Sound Brick & Tile Co. v. King County School Dist.* (12 Wash. 118; 40 Pac. 608) 1265  
*Pugh v. Little Rock* (35 Ark. 75) 1179  
*Puitt v. Gaston County* (94 N. Car. 709; 55 Am. Rep. 638) 2471  
*Pulaski v. Gilmore* (21 Fed. Rep. 870) 581  
*Pulaski County v. Irvin* (4 Ark. 473) 2372  
 — *v. Lincoln* (9 Ark. 320) 849, 1297  
 — *v. Reeve* (42 Ark. 55) 65  
*Pullen v. Smith* (26 Ohio Cir. Ct. R. 549) 2764  
 — *v. Wake County Comm'rs* (66 N. Car. 361) 2311  
*Pulling v. Durfee* (97 Mich. 605; 57 N. W. 187) 2652  
*Pullman v. New York* (49 Barb. [N. Y.] 57) 1178  
*Pullman Co. v. Adams* (189 U. S. 420, aff'g 78 Miss. 814; 30 So. 757; 84 Am. St. Rep. 647) 2331, 2342, 2346  
 — *v. Kansas* (216 U. S. 56) 2330, 2331, 2332, 2346, 2347, 2357  
*Pullman Pal. Car Co. v. Pennsylvania* (141 U. S. 18, aff'g 107 Pa. 156) 2333, 2334, 2345, 2347, 2410, 2412  
 — *v. State* (64 Tex. 274; 53 Am. Rep. 758) 2471  
*Pullman Southern Car Co. v. Gaines* (3 Tenn. Ch. 587) 2346  
*Pump v. Lucas County* (69 Ohio St. 448; 69 N. E. 666) 259, 263, 264, 324  
*Pumpelly v. Green Bay & Miss. Canal Co.* (13 Wall. [U. S.] 166) 499, 1609, 2920, 2931, 2935, 2938, 3042, 3043, 3046, 3052  
*Pumphrey v. Baltimore* (47 Md. 145; 28 Am. Rep. 446) 158, 217, 1651, 2661, 2708  
*Punsky v. New York* (129 N. Y. App. Div. 558; 114 N. Y. Supp. 66) 3038  
*Purcell v. Parks* (82 Ill. 346) 732  
*Purdy v. Drake* ([Ky.], 32 S. W. 939) 2629  
 — *v. Lansing* (128 U. S. 557) 1480, 1537  
 — *v. New York City* (193 N. Y. 521; 86 N. E. 560) 2817, 2820  
 — *v. People* (4 Hill [N. Y.] 385; rev'g 2 Hill [N. Y.] 31) 133, 144  
*Purinton v. Somerset* (174 Mass. 556; 55 N. E. 461) 1821  
*Purnell v. McLane* (98 Md. 589; 56 Atl. 830) 1907, 1912, 1915, 2136  
*Purple v. Greenfield* (138 Mass. 1) 1084, 3031  
*Pursley v. Hays* (17 Iowa, 310) 1631  
*Pusey v. Allegheny* (98 Pa. 522) 2012, 2924, 2948  
*Putnam v. Douglas County* (6 Oreg. 318; 25 Am. Rep. 527) 2939  
 — *v. Fife Lake* (45 Mich. 125; 7 N. W. 699) 2479  
*Putnam v. Grand Rapids* (58 Mich. 416; 25 N. W. 330) 1178, 1248, 2131, 2152, 2555, 2790  
*Putnam v. Johnson* (10 Mass. 488) 636  
 — *v. Langley* (133 Mass. 204) 859, 871, 2666  
*Putnam County v. Allen County* (1 Ohio St. 322) 2677  
*Puyallup v. Lacey* (43 Wash. 110; 86 Pac. 215) 1626  
*Pye v. Mankato* (36 Minn. 373; 31 N. W. 863; 1 Am. St. Rep. 671) 3037, 3044

## TABLE OF CASES CITED

351

[References are to pages]

Pye <i>v.</i> Mankato (38 Minn. 536; 38 N. W. 621)	2818	Queen <i>v.</i> Bridgewater (2 P. & D. 558)	565
— <i>v.</i> Peterson (45 Tex. 312; 23 Am. Rep. 603)	1035, 1038, 1105	— <i>v.</i> Bristol & E. Ry. Co. (4 Q. B. 162; 3 G. & D. 384)	2711
Pyke <i>v.</i> Jamestown (15 N. Dak. 157; 107 N. W. 359)	2822	— <i>v.</i> Bristol Dock Co. (2 Q. B. 64)	2649
Pym <i>v.</i> Great Northern R. Co. (2 B. & S. 759; s. c. 4 B. & S. 396)	3005	— <i>v.</i> Bristol Dock Co. (2 Eng. Ry. & Canal Cases, 599)	2656
Pymm <i>v.</i> New York (111 N. Y. App. Div. 330; 97 N. Y. Supp. 1108)	2967	— <i>v.</i> Brown & Street (13 Up. Can. C. P. 356)	1793
		— <i>v.</i> Buchanan (28 Ontario Rep. 352)	644
Quaker City Nat. Bank <i>v.</i> Nolan County (66 Fed. Rep. 883)	419	— <i>v.</i> Caesar (11 Up. Can. Q. B. 461)	637
— <i>v.</i> Tacoma (27 Wash. 259; 67 Pac. 710)	1306, 1307	— <i>v.</i> Chapman (6 Mod. 152)	2719
Quebec <i>v.</i> Mahoney (10 Rap. Jud. Que. B. R. 378)	2846	— <i>v.</i> Chapman (12 Cox, 4)	676
Queck-Berner <i>v.</i> Atlantic Tr. Co. (80 N. Y. App. Div. 460; 81 N. Y. Supp. 146)	3028	— <i>v.</i> Charlesworth (16 Q. B. 1012)	1915, 1977
Queen <i>v.</i> Anderson (2 Q. B. 740)	2741	— <i>v.</i> Chester (5 El. & Bl. 531)	2732
— <i>v.</i> Archbishop of Canterbury (11 Q. B. 578)	2708	— <i>v.</i> Chorley (12 Q. B. 515)	1037
— <i>v.</i> Atlanta (59 Ga. 318)	744	— <i>v.</i> Cluworth (6 Mod. 163; s. c. 1 Salk. 358; Holt, 339)	1696
— <i>v.</i> Avery (18 Q. B. 576)	645	— <i>v.</i> Conyers (8 Q. B. 981)	2714, 2715
— <i>v.</i> Balby & W. Tp. Road Trs. (16 Eng. L. & Eq. 276; 22 L. J. Q. B. 164)	2720	— <i>v.</i> Cousins (28 L. T. N. s. 116)	644
— <i>v.</i> Bamber (5 Q. B. 279)	3021	— <i>v.</i> Crawley (3 F. & F. 109)	1081
— <i>v.</i> Bangor (L. R. 18 Q. B. Div. 349)	725, 726, 727	— <i>v.</i> Cridland (7 E. & B. 853)	976
— <i>v.</i> Barnhart (7 Up. Can. L. J. 103)	827	— <i>v.</i> Cumberlege (36 L. T. N. s. 700)	732
— <i>v.</i> Barrett (1 Salk. 383)	976	— <i>v.</i> Darlington Grammar School (6 Q. B. 682, 715)	792
— <i>v.</i> Bartels (7 Up. Can. C. P. 533)	637	— <i>v.</i> Davis (24 Up. Can. C. P. 575)	1858
— <i>v.</i> Belmont (35 Up. Can. Q. B. 298)	1011	— <i>v.</i> Davis (35 Up. Can. Q. B. 107)	1712
— <i>v.</i> Bewdley (1 P. Wms. 207)	588, 605	— <i>v.</i> Deighton (5 Q. B. 896)	645
— <i>v.</i> Birmingham & Gl. R. Co. (3 Q. B. 223)	2801	— <i>v.</i> Derby (7 A. & E. 419)	641, 2667, 2732
— <i>v.</i> Birmingham & Gl. R. Co. (9 Car. & P. 469)	2801, 2803	— <i>v.</i> Derbyshire (2 Q. B. 745)	1832
— <i>v.</i> Birmingham & O. R. Co. (1 El. & Bl. 293)	2720	— <i>v.</i> Donaldson (24 Up. Can. C. P. 148)	1707
— <i>v.</i> Blizzard (L. R. 2 Q. B. 634)	2743	— <i>v.</i> Durham (10 Mod. 146)	716, 720
— <i>v.</i> Boardman (30 Up. Can. Q. B. 553)	1129	— <i>v.</i> Eastern Counties Ry. Co. (2 Q. B. 347; 42 E. C. L. R. 706)	1611
— <i>v.</i> Boucher (3 Q. B. 644)	81	— <i>v.</i> Eastern Counties Ry. Co. (10 A. & E. 531)	2711
— <i>v.</i> Boulton (15 Up. Can. Q. B. 272)	1793	— <i>v.</i> East Mark (11 Q. B. 877)	1793
— <i>v.</i> Boycott (14 L. T. N. s. 599)	637	— <i>v.</i> Epsom Union Guard (8 L. T. R. N. s. 383)	2952, 2979
— <i>v.</i> Bradburn (6 Up. Can. P. R. 308)	644	— <i>v.</i> Evans (31 Ontario Rep.) 448)	637
— <i>v.</i> Bradley (3 E. & E. 634)	645	— <i>v.</i> Exeter (L. R. 4 Q. B. 110)	637
— <i>v.</i> Brewster (8 Up. Can. C. P. 208)	1897	— <i>v.</i> Eye (9 A. & E. 676)	2719, 2725
		— <i>v.</i> Farrell (9 Cox C. C. 446)	1042
		— <i>v.</i> Firth (L. R. 1 C. C. 172)	2222
		— <i>v.</i> Fitzgerald (39 Upper Can. Q. B. 297)	1794, 2973
		— <i>v.</i> Glamorganshire (2 East, 356)	1793
		— <i>v.</i> Gloucester (Holt R. 450)	724
		— <i>v.</i> Gloucestershire (1 C. & M. 506)	1833



[References are to pages]

Queen v. Gordon (6 Up. Can. C. P. 213)	1793	Queen v. Leeds & L. Canal Co. (11 A. & E. 316)	2706
— v. Great No. of E. R. Co. (9 Q. B. 315)	2801	— v. Levecque (30 Up. Can. Q. B. 44)	1041
— v. Great Northern R. Co. (14 Q. B. 25)	1611	— v. Lichfield (4 Q. B. 891; 4 Ad. & El. N. s. 891)	524, 540, 543, 564, 630
— v. Great Western Ry. Co. (32 Up. Can. Q. B. 506)	1712	— v. Light (27 L. J. Mag. Cas. 1)	676
— v. Greene (2 Q. B. 460)	2741	— v. Lincombe (2 Chit. 214)	1037
— v. Greenhow (L. R. 1 Q. B. Div. 703)	3021	— v. Lindsay (18 Up. Can. Q. B. 51)	2732
— v. Grimshaw (10 Queen's Bench, 747)	829, 868	— v. Liverpool (9 A. & E. 435)	2759
— v. Haldimond County (7 Up. Can. L. J. 266)	2662	— v. Local Governing Board (L. R. 8 Q. B. 227)	618
— v. Halifax Road Trs. (12 Q. B. 442)	2706	— v. Longton Gas Co. (2 Ellis & El. 651)	1915, 1977
— v. Hammond (17 Q. B. 772)	645	— v. Lordsmere (15 Q. B. 689)	1698
— v. Harrauld (L. R. 7 Q. B. 361)	86	— v. Lordsmere (19 L. J. M. C. 215)	2945
— v. Hatfield Peverel (14 Q. B. 298)	2798	— v. Loughton (3 Smith, 575)	1037
— v. Haynes (7 Ir. L. R. 2)	1037	— v. Louth (13 Up. Can. C. P. 615)	1793
— v. Heathcote (10 Mod. 48; s. c. Fort. 290)	2650, 2724, 2725	— v. McGowan (11 Ad. & E. 869)	716
— v. Hertford (Col. L. R. 2 Q. B. Div. 590)	2732	— v. McRae (5 Up. Can. P. P. 309)	683
— v. Hiorns (7 Ad. & E. 960)	641, 2664, 2667	— v. Maybury (4 F. & F. 90)	1037
— v. Holmes (3 C. & K. 360)	1042	— v. Mitchell (4 Up. Can. P. R. 218)	644
— v. Horley (8 L. T. N. s. 382)	2945	— v. Monmouth (L. R. 5 Q. B. 251)	2665
— v. Hornsea (Dearsly C. C. 291)	3021	— v. Morton (4 Q. B. 146)	723
— v. Hoyle (H. L. 1855)	645	— v. Munro (24 Up. Can. Q. B. 44)	1041
— v. Ipswich (2 Ld. Raym. 1232; s. c. 2 Salk. 435)	608, 611, 798, 808, 809, 810, 819, 886, 2672, 2718, 2723	— v. Murray (1 Up. Can. L. J. N. s. 104)	827
— v. Jackson (40 Up. Can. Q. B. 290)	1037	— v. Mutters (10 Cox Cr. C. 6)	1037, 1061
— v. Jarvis (3 F. & F. 108)	1081	— v. Mutters (Leigh & C.'s C. Cases, 491)	3027
— v. Jay (8 E. & B. 469)	1882	— v. Newbury (1 Queen's Bench, 751)	781, 797, 798, 2715
— v. Johnson (8 Q. B. 102)	952, 976	— v. Norwood (L. R. 2 Q. B. 459)	637
— v. Johnson (38 Up. Can. Q. B. 549)	1011	— v. Nott (4 Q. B. 773)	2801
— v. Justices of St. Peter's (2 Ld. Raym. 1249)	2945	— v. O'Hare (24 P. R. 18)	2732
— v. Justices of Shropshire (8 Ad. & E. 173)	642	— v. Oldham Bor. (L. R. 3 Q. B. C. 474)	2573
— v. Kendall (1 Q. B. 366)	2712	— v. Orchard (3 Cox C. C. 248)	1042
— v. Kennett (L. R. 4 Q. B. 567)	958	— v. Osler (32 Up. Can. Q. B. 224)	903
— v. Kitchener (L. R. 2 C. C. 88)	2945	— v. Owens (2 E. & E. 86)	720
— v. Lane (Fortesc. 275)	798	— v. Oxford & W. Turnp. Roads (12 A. & E. 427)	2662
— v. Lane (2 Ld. Raym. 1304)	723, 724	— v. Paget (3 F. & F. 29)	1037
— v. Ledgard (1 Q. B. 616)	2715, 2716	— v. Paramore (10 Ad. & El. 286)	61, 825
— v. Ledgard (8 Ad. & E. 535)	641	— v. Paris (12 Up. Can. C. P. 445)	1793
— v. Leeds (4 Q. B. 796)	565	— v. Pembroke (8 Dowl. P. C. 302)	2664
— v. Leeds (7 A. & E. 963)	645, 2664	— v. Petrie (4 E. & B. 737)	1793
— v. Leeds (11 A. & E. 512)	2667, 2732		



## TABLE OF CASES CITED

353

[References are to pages]

Queen v. Pipe (1 Ont. Rep. 43)	1854	Queen v. Tewkesbury (Law Rep. 3 Q. B. 629)	641
— v. Plenty (L. R. 4 Q. B. 346)	644	— v. Thallman (9 Cox C. C. 388)	1042
— v. Plunkett (21 Up. Can. Q. B. 536)	1699	— v. Thomas (8 Ad. & El. 183)	829, 888
— v. Pomfret (10 Mod. 107)	798, 2720	— v. Touchburn (6 Up. Can. P. R. 344)	644
— v. Ponsford (1 D. & L. 116)	568	— v. Train (9 Cox Cr. Cas. 180)	1810, 1915, 1977
— v. Purdy (10 Up. Can. Q. B. 545)	1743	— v. Treasury Com'rs (10 Ad. & E. 374)	798
— v. Quayle (11 A. & E. 508)	2741	— v. Trueboy (2 Ld. Raym. 1275)	809
— v. Reaume (26 Ontario Rep. 460)	644	— v. United Kingdom El. Tel. Co. (9 Cox Cr. Cas. 174)	1922
— v. Registrar of Joint Stock Co. (10 Q. B. 839)	608	— v. United Kingdom Tel. Co. (3 F. & F. 74)	2972
— v. Rice (L. R. 1 C. C. 21)	1041	— v. Walker (23 L. J. Mag. Cas. 123)	676
— v. Ricketts (7 Ad. & El. 966)	787	— v. Wallesey L. Board of Health (L. R. 4 Q. B. 351)	2934
— v. Roberts (38 Law Times Rep. 690)	678, 843	— v. Ward (L. R. 8 Q. B. 210)	644
— v. Roddy (41 Up. Can. Q. B. 291)	1129	— v. Waterhouse (L. R. 7 Q. B. 545)	1056
— v. Rogers (2 Ld. Raym. 777)	798, 1116	— v. Watson (2 Cox C. C. 376)	1042
— v. Rowley (3 Q. B. 143)	645	— v. Webb (1 Den. C. C. 338)	1042
— v. Rubidge (25 Up. Can. Q. B. 299)	1712	— v. Whipp (4 Queen's Bench, 141)	829
— v. Saddler's Co. (10 House of Lords Cases, 404)	808	— v. White (6 Cox Crim. Cas. 213)	2222
— v. Saintiff (Holt, 129; s. c. 6 Mod. R. 255)	1696	— v. White (L. R. 14 Q. B. Div. 358)	566
— v. St. Ives (L. R. 7 Q. B. 467)	637	— v. Wilts & B. Canal Co. (8 Dowl. P. C. 623)	2654
— v. St. Luke's Vestry (L. R. 6 Q. B. 572, aff'd L. R. 7 Q. B. 148)	1611, 2934	— v. Wood (L. R. 4 Q. B. 559)	958
— v. St. Margaret's Vestry (8 A. & E. 889; s. c. 1 Per. & Dav. 116)	2712, 2714	— v. Wood (5 E. & B. 49)	559, 1085
— v. St. Martin's (17 Q. B. 149)	2732	— v. York (2 Q. B. 850)	61, 825
— v. St. Mary, Rector of, Lambeth (8 Ad. & E. 356)	644	— v. Yorkville (22 Up. Can. C. P. 431)	1793, 2945
— v. Salford, Tp. Ov. (18 Q. B. 687)	2798	Queen's Bench Rule (11 A. & E. 2)	2741
— v. Sandwich (5 Q. B. 895; s. c. 10 Q. B. 563)	752	Queensbury v. Culver (19 Wall. [U. S.] 83)	1364, 1394, 1396, 2690
— v. Saunders (L. R. 1 Q. B. Div. 15)	1042	Queens County Water Co v. Monroe (83 N. Y. App. Div. 105; 82 N. Y. Supp. 610)	2109, 2773, 2776, 2777
— v. Scott (2 Ld. Raym. 922)	2945	Quicksall v. Philadelphia (177 Pa. 301; 35 Atl. 609)	1719, 1720, 1738, 1806
— v. Sheffield (L. R. 6 Q. B. 652)	566	Quigg v. Evans (121 Cal. 546; 53 Pac. 1093)	116, 516
— v. Sheffield Gas Co. (22 Eng. Law & Eq. 518)	1915	Quill v. Indianapolis (124 Ind. 292; 23 N. E. 788)	351, 352, 368, 1250, 1391, 2624
— v. Slatter (11 A. & E. 502)	2667	— v. New York (36 N. Y. App. Div. 476; 55 N. Y. Supp. 889)	2880, 2900
— v. Smith (35 Up. Can. Q. B. 518)	1041	Quimby v. Wood (19 R. I. 571; 35 Atl. 149)	2486
— v. Southampton (1 Ellis, B. & S. 5)	2720	Quin v. Moore (15 N. Y. 432)	3006
— v. Southeastern Ry. Co. (4 H. L. Cas. 471)	2714	Quincy v. Ballance (30 Ill. 185)	976, 978
— v. Spence (11 Up. Can. Q. B. 31)	1743, 1746, 1793		
— v. Stamford (6 Q. B. 433)	565, 2715		
— v. Stevenson (3 F. & F. 106)	1081		
— v. Sutton (10 Mod. 76)	787		
— v. Tart (1 E. & E. 618)	645		

[References are to pages]

- Quincy *v.* Cooke (107 U. S. 549) 1463, 1526  
 — *v.* Barker (81 Ill. 300; 25 Am. Rep. 278) 2965, 2966, 2967, 2968  
 — *v.* Bull (106 Ill. 337) 1826, 1907, 1910, 2139  
 — *v.* Chicago, B. & Q. R. Co. (92 Ill. 21) 896  
 — *v.* Jackson (113 U. S. 332) 583, 2402, 2456  
 — *v.* Jones (76 Ill. 231; 20 Am. Rep. 243) 1785, 1849, 1893, 1896, 2923, 2925, 2932, 3054  
 — *v.* Kennard (151 Mass. 563; 24 N. E. 860) 939, 941, 1051  
 — *v.* Warfield (25 Ill. 317; 79 Am. Dec. 330) 531, 1378, 1494, 1495  
 Quinette *v.* St. Louis (76 Mo. 402) 905  
 Quinlan *v.* Green County (205 U. S. 410; s. c. 157 Fed. Rep. 33) 1472, 1473, 1491, 1508  
 — *v.* Philadelphia (205 Pa. 309; 54 Atl. 1026) 2970  
 — *v.* Utica (11 Hun [N. Y.] 217; 74 N. Y. 603) 3017  
 Quinn *v.* Anderson (70 Cal. 454; 11 Pac. 746) 1707, 1713  
 — *v.* Baage (138 Iowa, 426; 114 N. W. 205) 1897, 1903  
 — *v.* James (174 Mass. 23; 54 N. E. 343) 2609  
 — *v.* New York (16 N. Y. App. Div. 408; 45 N. Y. Supp. 7) 1241, 1242  
 — *v.* Paterson (27 N. J. L. 35) 1767, 1800, 1837, 2607, 2925  
 Quinney *v.* Stockbridge (33 Wis. 505) 2788  
 Quint *v.* Hoffman (103 Cal. 506; 37 Pac. 514, 777) 63, 121  
 — *v.* Merrill (105 Wis. 406; 81 N. W. 664) 907  
 Quintard *v.* New York (51 N. Y. App. Div. 233; 64 N. Y. Supp. 904) 735, 737  
 Quintini *v.* Bay St. Louis (64 Miss. 483; 1 So. 625; 60 Am. Rep. 62) 990, 1061  
 Quinton *v.* Burton (61 Iowa, 471; 16 N. W. 569) 775  
 Quong Woo, *In re* (13 Fed. Rep. 229) 996  
 Raab *v.* Maryland (7 Md. 483) 613  
 Rabassa *v.* New Orleans (3 Martin [La.] o. s. 218) 2320, 2406  
 Racine *v.* Chicago & N. W. R. Co. (92 Wis. 118; 65 N. W. 857) 1689  
 — *v.* Crotsenberg (61 Wis. 481; 21 N. W. 520; 50 Am. Rep. 149) 1793  
 Racine Iron Co. *v.* McCommons (111 Ga. 536; 36 S. E. 866; 51 L. R. A. 134) 2328  
 Rackham *v.* Bluck (9 Q. B. 691) 1129  
 Radcliff *v.* Brooklyn (4 N. Y. 195; 53 Am. Dec. 357) 1918, 2919, 2923, 2924, 2925, 2928, 2930, 2934, 3046  
 Rader *v.* Road Dist. (36 N. J. L. 273) 144  
 — *v.* Union Township (39 N. J. Law, 509, aff'g 41 N. J. L. 617) 228  
 Radich *v.* Hutchins (95 U. S. 210) 2831  
 Radichel *v.* Kendall (121 Wis. 560; 99 N. W. 348) 766, 2960  
 Radnor Township *v.* Bell (27 Pa. Super. Ct. 1) 1087  
 Radway *v.* Briggs (37 N. Y. 256) 516, 2904  
 Rafferty *v.* Central Traction Co. (147 Pa. St. 579; 23 Atl. 884; 30 Am. Rep. 763) 2007, 2008  
 Raffetto *v.* Mott (60 N. J. L. 413; 38 Atl. 857) 943  
 Ragan *v.* Aiken (9 Lea [Tenn.] 609; 42 Am. Rep. 684) 2239  
 — *v.* McCoy (29 Mo. 356) 1687, 1689, 1695, 1702  
 Ragatz *v.* Dubuque (4 Iowa, 349) 1657, 1670  
 Ragio *v.* State (86 Tenn. 272; 6 S. W. 401) 1096  
 Ragnet *v.* Wade (4 Ohio, 107) 774  
 Rahn *v.* Tamaqua & L. St. R. Co. (167 Pa. 84; 31 Atl. 472) 1942  
 Rahrer, *In re* (140 U. S. 545, rev'g 43 Fed. Rep. 556; 10 L. R. A. 444) 2330, 2351, 2352  
 Raht *v.* Southern R. Co. ([Tenn. Ch. App.], 50 S. W. 72) 1838, 1841, 1897  
 Rahway *v.* Crowell (40 N. J. L. 207) 684  
 Rahway Sav. Inst. *v.* Rahway (49 N. J. L. 384; 8 Atl. 106) 2687  
 Railroad Commission Cases (116 U. S. 307) 2228  
 Railroad Co. *v.* Berks County (6 Pa. St. 70) 2445  
 Railroad Nat. Bank *v.* Lowell (109 Mass. 214) 2824  
 Rainey *v.* Herbert (3 U. S. App. 592; 55 Fed. Rep. 443) 1715, 1790  
 — *v.* State (41 Tex. Crim. Rep. 254; 53 S. W. 882; 96 Am. St. Rep. 786) 2470  
 Raisch *v.* San Francisco (80 Cal. 1; 22 Pac. 22) 2634  
 Raisler *v.* Athens (66 Ala. 194) 2835  
 Raleigh *v.* Dougherty (3 Humph. [Tenn.] 11; 39 Am. Dec. 149) 969  
 — *v.* Peace (110 N. Car. 32; 14 S. E. 521; 17 L. R. A. 330) 2503, 2528, 2595

## TABLE OF CASES CITED

355

[References are to pages]

- Raleigh v. Sorrell** (1 Jones [N. Car.] Law, 49) 839, 1080, 1081, 1082
- Raleigh & G. R. Co. v. Davis** (2 Dev. & B. [N. Car.] Law, 451) 1620
- Raley v. Umatilla County** (15 Oreg. 172; 13 Pac. 890; 3 Am. St. Rep. 142) 1564, 1581
- *v. Warrenton* (120 Ga. 365; 47 S. E. 972) 734
- Ralls County v. Douglass** (105 U. S. 728) 1370, 1405, 1408, 1517, 1526, 2733
- *v. United States* (105 U. S. 733) 1497, 2398, 2399, 2402, 2403, 2456, 2674
- Ralston v. Weston** (46 W. Va. 544; 33 S. E. 326; 76 Am. St. Rep. 834) 1716, 1895, 1897, 1903
- Rambo v. Larrabee** (67 Kan. 634; 73 Pac. 915) 262, 266, 277, 310, 311, 334
- Ramsay v. Western Dist. Council** (4 Up. Can. Q. B. 374) 1156
- Ramsay's Estate v. People** (197 Ill. 572; 64 N. E. 549; 90 Am. St. Rep. 177, aff'g 97 Ill. App. 283) 680, 683, 764
- Ramsey v. Hayes** (187 N. Y. 367; 80 N. E. 193, rev'g 112 N. Y. App. Div. 442; 98 N. Y. Supp. 394) 759
- *v. National Contracting Co.* (49 N. Y. App. Div. 11; 63 N. Y. Supp. 286) 3029
- *v. People* (142 Ill. 380; 32 N. E. 364; 17 L. R. A. 853) 206
- *v. Riley* (13 Ohio, 157) 766, 771, 772, 774
- *v. Shelbyville* (119 Ky. 180; 83 S. W. 116, 1136; 68 L. R. A. 300) 354, 359, 2763
- Ramsey County v. Chicago, M. & St. P. R. Co.** (33 Minn. 537; 24 N. W. 313) 2445
- *v. Macalester College* (51 Minn. 437; 53 N. W. 704) 2446
- Ramshay, In re** (8 Q. B. 173) 792
- Ranck v. Cedar Rapids** (134 Iowa, 563; 111 N. W. 1027) 1674, 1675
- Rand v. Boston** (164 Mass. 354; 41 N. E. 484) 1609
- *v. Townsend* (26 Vt. 670) 1656
- *v. Wilder* (11 Cush. [Mass.] 294) 830, 832
- Randall v. Eastern R.** (106 Mass. 276; 8 Am. Rep. 327) 2976
- *v. Elwell* (52 N. Y. 522; 11 Am. Rep. 747) 2424
- *v. Jacksonville St. R. Co.* (19 Fla. 409) 2002
- *v. Rovelstad* (105 Wis. 410; 81 N. W. 819) 1706
- Randall v. Van Vechten** (19 Johns. [N. Y.] 60; 10 Am. Dec. 193) 1175, 1177, 1184, 1191, 1847
- Randle v. Pacific R. Co.** (65 Mo. 325) 2000, 2011
- Randles v. Waukesha County** (96 Wis. 629; 71 N. W. 1034) 2884
- Randolf v. Bloomfield** (77 Iowa, 50; 41 N. W. 562; 14 Am. St. Rep. 268) 3057
- Randolph v. Bayne** (44 Cal. 366) 2595
- *v. Braintree* (4 Mass. 315) 621
- *v. Gawley* (47 Cal., 458) 2404
- *v. Union County* (63 N. J. L. 155; 41 Atl. 960) 1662
- *v. Wood* (49 N. J. L. 85; 7 Atl. 286) 259, 278, 283, 296
- Randolph County v. Hutchins** (46 Ala. 397) 2676
- *v. Post* (93 U. S. 502) 1413, 1420
- Randolph County Court Jus. v. Stalnaker** (13 Gratt. [Va.] 523) 2647
- Ranken v. McCallum** (25 Tex. Civ. App. 83; 60 S. W. 975) 604
- *v. St. Louis & B. S. R. Co.* (98 Fed. Rep. 479) 2017
- Rankin v. Beaird** (1 Ill. 123) 152
- *v. Buckman* (9 Oreg. 253) 770, 2992
- *v. Great Western Ry. Co.* (4 Up. Can. C. P. 463) 1659
- *v. Smith* (63 Ill. App. 522) 2973
- Ranlett v. Leavenworth** (1 Dillon C. C. R. 263) 1367
- *v. Lowell* (126 Mass. 431) 3050
- Ranney v. Bader** (67 Mo. 476) 658, 1545, 2770, 2771, 2782
- Ransom v. Belvidere** (87 Ill. App. 167) 3014
- *v. Boal* (29 Iowa, 68; 4 Am. Rep. 195) 1583, 1758
- *v. Boston* (192 Mass. 299; 78 N. E. 481) 711, 713, 746
- *v. Citizens' R. Co.* (104 Mo. 375; 16 S. W. 416) 2021
- *v. New York* (24 Barb. [N. Y.] 226) 1245
- *v. New York* (1 Fisher Pat. Cas. 254) 2866
- Ranson v. Sault Ste. Marie** (143 Mich. 661; 107 N. W. 439; 15 L. R. A. n. s. 49) 1810
- Raphael v. Bank of England** (17 C. B. 161) 1547
- Rapho v. Moore** (68 Pa. St. 404; 8 Am. Rep. 202) 1833, 2994, 3013, 3014, 3015
- Rapid R. Co. v. Mt. Clemens** (118 Mich. 133; 76 N. W. 318) 1952, 1959
- Rapid Transit Com'rs, Matter of** (128 N. Y. App. Div. 103; 112 N. Y. Supp. 619) 1829

[References are to pages]

- Rapp *v.* Stratton (41 Wash. 263; 83 Pac. 182) 1897
- Raritan *v.* Port Reading R. Co. (49 N. J. Eq. 11; 23 Atl. 127) 1975
- Raritan & D. B. R. Co. *v.* Delaware & R. Canal Co. (18 N. J. Eq. 546) 1992
- Rash *v.* Farley (91 Ky. 344; 15 S. W. 862; 34 Am. St. Rep. 233) 2323
- Rasmussen *v.* People (155 Ill. 70; 39 N. E. 606) 2609
- Rastrick *v.* Great Western Ry. Co. (27 Up. Can. Q. B. 396) 3018
- Rathbone *v.* Hopper (57 Kan. 240; 45 Pac. 610; 34 L. R. A. 674) 1356
- *v.* Kiowa County (73 Fed. Rep. 395, rev'd on another point, 83 Fed. Rep. 125) 334, 403, 583, 585, 1359, 1475, 1480, 1481, 1484, 1513
- *v.* Wirth (150 N. Y. 459; 45 N. E. 15, aff'g 6 N. Y. App. Div. 277; 40 N. Y. Supp. 535) 168, 173, 177, 637, 639, 2777, 2779, 2780
- Rathbun *v.* Acker (18 Barb. [N. Y.] 393) 1649, 2399, 2451, 2608
- Raton Water Works Co. *v.* Raton (9 New Mex. 70; 49 Pac. 898) 385, 1155, 1302
- Ratterman *v.* Western Union Tel. Co. (127 U. S. 411) 1925, 2075, 2349
- Rau *v.* Little Rock (34 Ark. 303) 733, 987
- Rauch *v.* Chapman (16 Wash. 568; 48 Pac. 253; 58 Am. St. Rep. 52) 354, 357, 358
- Rauenstein *v.* New York, L. & W. R. Co. (136 N. Y. 528; 32 N. E. 1047) 2025
- Rauer *v.* Lowe (107 Cal. 229; 40 Pac. 337) 2454, 2629, 2634
- *v.* Williams (118 Cal. 401; 50 Pac. 691) 273, 274, 280, 282, 320, 325
- Ravenna *v.* Pennsylvania Co. (45 Ohio St. 118; 12 N. E. 445) 449
- Ravenswood *v.* Flemings (22 W. Va. 52; 46 Am. Rep. 485) 476, 494, 497
- Ravenswood, S. & G. R. Co. *v.* Ravenswood (41 W. Va. 732; 24 S. E. 597; 56 Am. St. Rep. 906) 569, 1513
- Rawson *v.* School Dist. No. 5 (7 Allen [Mass.] 125; 83 Am. Dec. 670) 1564
- Ray *v.* Colby ([Neb.], 97 N. W. 591) 1788, 1790
- *v.* De Butts (180 Mass. 155; 61 N. E. 887) 687
- *v.* Jeffersonville (90 Ind. 567) 2496
- Ray *v.* Jones & Adams Co. (92 Minn. 101; 99 N. W. 782) 3030
- *v.* Lynes (10 Ala. 63) 2914
- *v.* Mackin (100 Ill. 246) 1166
- *v.* Manchester (46 N. H. 59; 88 Am. Dec. 192) 2963, 2978
- *v.* Petrolia (24 Up. Can. C. P. 73) 2961, 2973
- *v.* St. Paul (44 Minn. 340; 46 N. W. 675) 2813
- Ray Co. *v.* Vansycle (96 U. S. 675) 1515
- Raycraft *v.* Harrison (108 Ill. App. 313) 2747
- Raymond *v.* Fish (51 Conn. 80; 50 Am. Rep. 3) 771
- *v.* Hartford F. Ins. Co. (196 Ill. 329; 63 N. E. 745) 2354
- *v.* Lowell (6 Cush. [Mass.] 524; 53 Am. Dec. 57) 2962, 2973, 2978, 2984, 2985, 2998, 3004
- *v.* People (2 Colo. App. 329; 30 Pac. 504) 1288, 1310
- *v.* Rutherford (55 N. J. L. 441; 27 Atl. 172, aff'd 56 N. J. L. 340; 29 Atl. 156) 2538
- *v.* Sheboygan (70 Wis. 318; 35 N. W. 540) 3032
- *v.* Wichita (70 Kan. 523; 79 Pac. 323) 1706, 1713, 1725, 1746
- Raynolds *v.* Cleveland (28 Ohio Cir. Ct. 463, aff'd 76 Ohio St. 619; 81 N. E. 1182) 1948
- Raynsford *v.* Phelps (43 Mich. 342; 5 N. W. 403; 38 Am. Rep. 189) 775
- Rea *v.* Sioux City (127 Iowa, 615; 103 N. W. 949) 2963, 2967, 3000, 3013
- Read *v.* American Surety Co. (117 Iowa, 10; 90 N. W. 590) 1270
- *v.* Atlantic City (49 N. J. L. 558; 9 Atl. 759, aff'd 50 N. J. L. 665; 15 Atl. 10) 359, 547, 2162
- *v.* Buffalo (74 N. Y. 463) 1321
- *v.* Camden (54 N. J. L. 347; 24 Atl. 549) 1767, 1831
- *v.* Perrett (L. R. 1 Ex. Div. 349) 1858
- *v.* Plattsmouth (107 U. S. 568) 126, 233, 1349, 1526, 1547
- Readfield Tel. & Tel. Co. *v.* Cyr (95 Me. 287; 49 Atl. 1047) 2056
- Reading *v.* Althouse (93 Pa. St. 400) 2012
- *v.* Commonwealth (11 Pa. St. 196; 51 Am. Dec. 534) 183, 196, 1771, 1784, 2710
- *v.* Keppleman (61 Pa. 233) 443, 2923
- *v.* Savage (120 Pa. 198; 13 Atl. 919; 124 Pa. 328; 16 Atl. 788) 129, 295

# TABLE OF CASES CITED

357

[References are to pages]

Reading v. United Traction Co. (202 Pa. 571; 52 Atl. 106)	2080	School D. No. 20 (14 S. Dak. 229; 85 N. W. 180)	619
— v. Wedder (66 Ill. 80)	1516	Redford v. Coggeshall (19 R. I. 313; 36 Atl. 89)	1998
Reading R. Co. v. Pennsylvania (15 Wall. [U. S.] 232)	2320, 2338	Redlands, L. & C. D. Water Co. v. Redlands (121 Cal. 312; 53 Pac. 791)	2254, 2283, 2287
Ready v. Tuscaloosa (6 Ala. 327)	2883, 2884, 2885	— v. Redlands (121 Cal. 365; 53 Pac. 843)	2266, 2269
Reagan v. Farmers' Loan & Trust Co. (154 U. S. 362)	2226, 2228, 2229, 2231, 2248, 2250, 2251, 2252, 2258, 2260, 2261, 2265, 2284, 2288	Redman v. Phila., M. & M. R. Co. (33 N. J. Eq. 165)	1662
— v. Farmers' Loan & Trust Co. (154 U. S. 420)	2258	Redmond v. Rutherford (87 N. Car. 122)	2415
— v. Mercantile Trust Co. (154 U. S. 413)	2258	Red River Br. Co. v. Clarksville (1 Sneed [Tenn.] 176; 60 Am. Dec. 143)	1604
— v. Mercantile Trust Co. (154 U. S. 418)	2258	Red River Furnace Co. v. Tenn. Cent. R. Co. (113 Tenn. 697; 87 S. W. 1016)	232, 242, 1508, 1526
— v. United States (182 U. S. 419, 425)	792	Red River Valley Nat. Bank v. Fargo (14 N. Dak. 88; 103 N. W. 390)	1307
Reardon v. St. Louis (36 Mo. 555)	2857	Red Rock v. Henry (106 U. S. 589)	1349
— v. San Francisco (66 Cal. 492; 6 Pac. 317; 56 Am. Rep. 109)	2928, 2944	Red Star Steamship Co. v. Jersey City (45 N. J. L. 246)	931, 2216
Rearick v. Pennsylvania (203 U. S. 507)	2326, 2329	Red Wing Sewer Pipe Co. v. Don- nelly (102 Minn. 192; 113 N. W. 1)	1268, 1271
Receiver v. City (49 La. 804; 21 So. 870)	423	Redwood County v. Tower (28 Minn. 45; 8 N. W. 907)	763
Reclamation Dist. v. Goldman (65 Cal. 635; 4 Pac. 676)	2369	— v. Winona & St. P. Land Co. (40 Minn. 512; 41 N. W. 465; 42 N. W. 473)	2484
— v. Gray (95 Cal. 601; 30 Pac. 779)	121	Reed v. Anoka (85 Minn. 294; 88 N. W. 981)	2131, 2132, 2134, 2152, 2153, 2155
— v. Hagar (4 Fed. Rep. 366)	1245	— v. Bainbridge (1 Southard [N. J.] 351)	466
— v. Hall (131 Cal. 662; 63 Pac. 1000)	2626	— v. Belfast (20 Me. 246)	2859, 2957, 3004, 3005
— v. Runyon (117 Cal. 164; 49 Pac. 131)	2363	— v. Birmingham (92 Ala. 339; 9 So. 161)	1043, 1715, 1717, 1719, 1737, 1745, 1786, 1896, 1902
— v. Sacramento Super. Ct. (151 Cal. 263; 90 Pac. 545)	1619	— v. Cedar Rapids (136 Iowa, 191; 113 N. W. 773)	1339
— v. Turner (104 Cal. 334; 37 Pac. 1038)	1144	— v. Cedar Rapids (137 Iowa, 107; 111 N. W. 1013)	2368, 2618
Recor v. St. Clair Circuit Judge (139 Mich. 156; 102 N. W. 643)	2652	— v. Cunningham (126 Iowa, 302; 101 N. W. 1055)	2785
Rector v. Hartt (8 Mo. 448; 41 Am. Dec. 650)	1708	— v. Deerfield (176 Mass. 473; 57 N. E. 961)	860, 871
— v. State (6 Ark. 187)	1130	— v. Erie (79 Pa. 346)	1770
Red v. Augusta (25 Ga. 386)	871	— v. Hamilton (5 Up. Can. C. P. 269)	3044
Redd v. Henry County (31 Gratt. [Va.] 685)	1526, 1536	— v. Heghe ([N. Dak.], 124 N. W. 1127)	2677
Reddall v. Bryan (14 Md. 444; 74 Am. Dec. 550)	1633, 1657	— v. Home Sav. Bank (130 Mass. 443; 39 Am. Rep. 468)	2854
Reddick v. Amelia (1 Mo. 5)	91, 519	— v. Lynn (126 Mass. 367)	516
— v. People (82 Ill. App. 85)	2647, 2657	— v. Madison (83 Wis. 171; 53 N. W. 547; 17 L. R. A. 733)	2818, 2819, 3001
Redell v. Moores (63 Neb. 219; 88 N. W. 243; 93 Am. St. Rep. 431)	127, 143, 159, 176		
Redersheimer v. Bruning (113 La. 343; 36 So. 990)	1809		
Redfield v. Utica & S. R. Co. (25 Barb. [N. Y.] 54)	1796		
Redfield D. No. 12 v. Redfield Ind.			



[References are to pages]

- Reed *v.* New York City (97 N. Y. 620) 2821  
 — *v.* Northfield (13 Pick. [Mass.] 94; 23 Am. Dec. 662) 2978, 3001, 3013, 3014, 3018, 3020  
 — *v.* People (1 Park. Cr. Rep. 481) 964, 965  
 — *v.* Schmit (39 Hun [N. Y.] 223) 306  
 — *v.* Schuylkill Haven (22 Pa. Super. Ct. 27) 2974, 3002  
 — *v.* State (108 N. Y. 407; 15 N. E. 735) 2000, 2046  
 — *v.* Toledo (18 Ohio, 161) 1650  
 — *v.* Tyler (56 Ill. 288) 2488  
 Reddie *v.* London & N. W. Ry. Co. (L. R. 4 Exch. 244) 3027  
 Reedy *v.* St. Louis Brew'g Assoc. (161 Mo. 523; 61 S. W. 859) 2967  
 Reelfoot Lake Levee Dist. *v.* Dawson (97 Tenn. 151; 36 S. W. 1041) 242  
 Rees *v.* Chicago (38 Ill. 322) 1631, 1709  
 — *v.* McDaniel (115 Mo. 145; 21 S. W. 913) 487  
 — *v.* Olmsted (135 Fed. Rep. 296) 242, 1408, 1462, 1466  
 — *v.* Watertown (19 Wall. [U. S.] 107) 148, 150, 597, 2645, 2646, 2674, 2680, 2690, 2696, 2698, 2699  
 Reese *v.* Newnan (120 Ga. 198; 47 S. E. 560) 1015  
 Reeside *v.* Walker (11 How. [U. S.] 272) 2659  
 Reeve *v.* Oshkosh (33 Wis. 477) 1288, 1304  
 — *v.* Wood (5 B. & S. 364) 1129  
 Reeves *v.* Anderson (13 Wash. 17; 42 Pac. 625) 113, 115  
 — *v.* Backus-Brooks Co. (83 Minn. 339; 86 N. W. 337) 487  
 — *v.* Toronto (21 Up. Can. Q. B. 157) 2809, 2903, 3051  
 — *v.* Wood County (8 Ohio St. 333) 1637, 2375, 2576  
 Regan *v.* Boston Gaslight Co. (137 Mass. 36) 1720, 1721, 1742  
 Regenstein *v.* Atlanta (98 Ga. 167; 25 S. E. 428) 2580  
 Regents *v.* Detroit (12 Mich. 138) 1174  
 — *v.* McConnell (5 Neb. 423) 147  
 Regents of University *v.* Williams (9 Gill & Johns. [Md.] 365; 31 Am. Dec. 72) 147, 199, 587, 723, 725  
 Reggio *v.* Braggiotti (7 Cush. [Mass.] 166) 3033  
 Regina *v.* —, *see* Queen *v.* —.  
 Register Newspaper Co. *v.* Yeiser (80 S. W. 478; 117 Ky. 1013) 2709  
 Rehberg *v.* New York (91 N. Y. 137; 43 Am. Rep. 657) 3015  
 Rehill *v.* East Newark (73 N. J. L. 220; 63 Atl. 81) 2121, 2123  
 Rehmke *v.* Goodwin (2 Wash. 676; 27 Pac. 473) 432  
 Reich *v.* State (53 Ga. 73; 21 Am. Rep. 265) 968  
 Reichard *v.* Warren County (31 Iowa, 381) 1193  
 Reichert Milling Co. *v.* Freeburg (217 Ill. 384; 75 N. E. 544) 1688, 1732, 1734, 1741  
 Reid, *In re* (50 Ala. 439) 2668  
 — (52 N. Y. App. Div. 243; 65 N. Y. Supp. 373) 2831  
 — *v.* Atlanta (73 Ga. 523) 3049  
 — *v.* Chicago (83 Ill. App. 554) 3014, 3019  
 — *v.* Clay (134 Cal. 207; 66 Pac. 262) 1214  
 — *v.* Edina Board of Education (73 Mo. 295) 1689, 1690, 1704, 1722, 1753  
 — *v.* Norfolk City R. Co. (94 Va. 117; 26 S. E. 428; 36 L. R. A. 274; 64 Am. St. Rep. 708) 2004, 2007, 2008  
 — *v.* Trowbridge (78 Miss. 542; 29 So. 167) 1198, 2153, 2167, 2768  
 — *v.* Wiley (46 N. J. L. 473) 2514  
 Reidy *v.* New York (185 N. Y. 141; 77 N. E. 1011, *rev'g* 103 N. Y. App. Div. 361; 93 N. Y. Supp. 16) 760, 807  
 Reif *v.* Paige (55 Wis. 496; 13 N. W. 473) 741  
 Reiff *v.* Conner (10 Ark. 241) 871, 920  
 Reiger *v.* Beaufort (70 N. Car. 319) 659  
 Reighard *v.* Flinn (189 Pa. 355; 42 Atl. 23) 508, 509  
 — *v.* Flinn (194 Pa. 352; 44 Atl. 1080) 477, 509  
 Reilly *v.* Albany (112 N. Y. 30; 19 N. E. 508) 1252, 1254  
 — *v.* Chouquette (18 Mo. 220) 1888  
 — *v.* Ft. Dodge (118 Iowa, 633; 92 N. W. 887) 2922, 2927  
 — *v.* Jersey City (64 N. J. L. 508; 45 Atl. 778) 812  
 — *v.* New York (111 N. Y. 473; 18 N. E. 623) 1156, 1162  
 — *v.* Philadelphia (60 Pa. St. 467) 1195, 1248, 1250, 2585, 2882  
 — *v.* Racine (51 Wis. 526; 8 N. W. 417) 1689, 1705, 1716, 1731, 1736, 1837  
 Reimer's Appeal (100 Pa. 182; 45 Am. Rep. 47) 556, 1878  
 Reineman *v.* Covington, C. & B. H. R. Co. (7 Neb. 310) 387, 2397  
 Reining *v.* Buffalo (102 N. Y. 308; 6 N. E. 792) 2814, 2815, 2816, 2822  
 — *v.* New York, L. & W. R. Co.



## TABLE OF CASES CITED

359

[References are to pages]

- (128 N. Y. 157; 28 N. E. 640) 1775,  
1822, 1983, 1993, 2010, 2023, 2024,  
2025, 2039
- Reinken v. Fuehring* (130 Ind. 382;  
30 N. E. 414; 30 Am. St. Rep.  
247) 2502, 2564, 2584
- Reis v. Graff* (51 Cal. 86) 450, 1169,  
2608, 2641
- *v. New York City* (188 N. Y.  
58; 80 N. E. 573, aff'g 113 N. Y.  
App. Div. 464; 99 N. Y. Supp.  
291) 1720, 1799, 1835, 1841,  
1842
- Reisert v. New York* (174 N. Y.  
196; 66 N. E. 731, rev'g 69 N.  
Y. App. Div. 302; 74 N. Y.  
Supp. 673) 2308\*
- Reitenbaugh v. Chester Val. Co.*  
(21 Pa. St. 100) 1648
- Relender v. State* (149 Ind. 283;  
49 N. E. 30) 728
- Rellstab v. Belmar* (58 N. J. Law,  
489; 34 Atl. 885) 121
- Remington v. Harrison County  
Court* (12 Bush [Ky.] 148) 1240
- *v. Millard* (1 R. I. 93) 1710
- Remmey v. Gedney* (57 How. Pr.  
[N. Y.] 217) 742
- Remsen v. Wheeler* (105 N. Y. 573;  
12 N. E. 564) 2224, 2317,  
2363
- Remy v. Municipality* (11 La. An.  
148) 1560
- Renner v. Holmes* (68 N. J. L. 192;  
53 Atl. 76) 291
- Reno Water, etc. Co. v. Osburn* (25  
Nev. 53; 56 Pac. 945) 1214
- Rensselaer v. Leopold* (106 Ind. 29;  
5 N. E. 761) 880, 1634, 1775,  
1841, 1993
- Rensselaer & S. R. Co. v. Davis*  
(43 N. Y. 137) 1557
- Rensselaer County v. Bates* (17  
N. Y. 242) 1156
- Renthrop v. Bourg* (4 Martin [La.]  
97) 1761
- Renwick v. Davenport, &c. R. Co.*  
(47 Iowa, 511) 570
- *v. D. & W. N. E. R. Co.* (49  
Iowa, 664) 484
- *v. Hall* (84 Ill. 162) 2737
- *v. New York Cent. R. Co.* (36  
N. Y. 133) 3018
- Reock v. Newark* (33 N. J. L. 129)  
466, 1248, 1253, 1823, 2654, 2843,  
2936
- Republican Val. R. Co. v. Fellers*  
(16 Neb. 169; 20 N. W. 217) 2015
- Republic L. Ins. Co. v. Pollak* (75  
Ill. 292) 2424
- Requa v. Rochester* (45 N. Y. 129;  
6 Am. Rep. 52) 1712, 1833, 2987,  
2993, 3000, 3012, 3013
- Respass v. Commonwealth* (107  
Ky. 139; 53 S. W. 24) 972, 1110
- Respublica v. Caldwell* (1 Dal.  
150) 1042
- *v. Dallas* (3 Yeates [Pa.] 316) 727
- *v. Duquet* (2 Yeates [Pa.]  
493) 1104
- *v. Sparhawk* (1 Dallas [U. S.]  
337) 2846
- Ressegieu v. Sioux City* (94 Iowa,  
543; 63 N. W. 184) 2927
- Rettinghouse v. Ashland* (106 Wis.  
595; 82 N. W. 555) 736
- Reuter v. Lawe* (94 Wis. 300; 68  
N. W. 955; 59 Am. St. Rep.  
892) 1689, 1744, 1903
- Reuting v. Titusville* (175 Pa. 512;  
34 Atl. 916) 357, 367, 1224
- Revell v. Annapolis* (81 Md. 1;  
31 Atl. 695) 158
- *v. People* (177 Ill. 468; 52  
N. E. 1052; 69 Am. St. Rep.  
257) 493
- Revere Water Co. v. Winthrop*  
(192 Mass. 455; 78 N. E. 497) 2161,  
2184, 2190
- Rex v. —*, see *King v. —*
- Rexford v. Knight* (11 N. Y. 308) 1661
- Reyenthaler v. Philadelphia* (160  
Pa. 195; 28 Atl. 840) 1678
- Reymann Brewing Co. v. Brister*  
(179 U. S. 445) 2352
- Reynolds, Ex parte* (87 Ala. 138;  
6 So. 335) 961, 1001
- *v. Albany* (8 Barb. [N. Y.]  
597) 553
- *v. Baldwin* (1 La. An. 162) 147,  
669, 838, 2668, 2727, 2728, 2729
- *v. Board of Education* (33  
N. Y. App. Div. 88; 53 N. Y.  
Supp. 75) 2869
- *v. Fisher* (43 Neb. 172; 61  
N. W. 695) 2483
- *v. Garst* (25 R. I. 83; 54 Atl.  
932) 3028
- *v. Little Falls Union Free  
School District* (33 N. Y. App.  
Div. 88; 53 N. Y. Supp. 75) 2889
- *v. Los Angeles County* (64  
Cal. 372; 28 Pac. 121) 2799
- *v. Lyon County* (97 Fed.  
Rep. 155) 1505
- *v. Lyon County* (121 Iowa,  
733; 95 N. W. 1096) 382, 1548
- *v. New Salem* (6 Met. [Mass.]  
340) 829, 830
- *v. Norman* (114 Mo. 509; 21  
S. W. 845) 1310
- *v. Schweinefus* (1 Sup. Court  
Cin. [Ohio] 215) 873
- *v. Shreveport* (13 La. An.  
426) 547, 2925, 2933, 2934
- *v. State* (61 Ind. 392) 639

## TABLE OF CASES CITED

[References are to pages]

- Reynolds *v.* Taylor (43 Ala. 420) 2652, 2677  
 — *v.* Waterville (92 Me. 292; 42 Atl. 553) 375, 376, 2763, 2768  
 Reynolds' Heirs *v.* Stark County (5 Ohio, 204) 196, 1557, 1569, 1582, 1583, 1620, 1747, 1755  
 Rhall *v.* New York Board of Education (40 N. Y. App. Div. 412; 57 N. Y. Supp. 977) 2889  
 Rhine *v.* McKinney (53 Tex. 354) 1644, 1667  
 — *v.* Philadelphia (24 Pa. Super. Ct. 564) 2892  
 Rhinebeck & C. R. Co., *In re* (67 N. Y. 242) 1652, 1655  
 Rhinehart *v.* Redfield (93 N. Y. App. Div. 410; 87 N. Y. Supp. 789, *aff'd* 179 N. Y. 569; 72 N. E. 1150) 1867, 2127  
 Rhinelander, Matter of (68 N. Y. 105) 2615  
 Rhines *v.* Clark (51 Pa. St. 96) 978, 1126, 1133  
 Rhobidas *v.* Concord (70 N. H. 90; 47 Atl. 82; 85 Am. St. Rep. 604) 2855, 2857, 2860, 2880, 2882  
 Rhode Island Mortgage & Trust Co. *v.* Spokane (19 Wash. 616; 53 Pac. 1104) 1256  
 Rhodes *v.* Brightwood (145 Ind. 21; 43 N. E. 942) 1694, 1706, 1716, 1723, 1742, 1744, 1745, 1747, 1748, 1751, 1753  
 — *v.* Cleveland (10 Ohio, 159; 36 Am. Dec. 82) 2914, 2930  
 — *v.* Denver Board of Public Works (10 Colo. App. 99; 49 Pac. 430) 1208  
 — *v.* Dunbar (57 Pa. St. 274; 98 Am. Dec. 221) 1039, 1052  
 — *v.* Iowa (170 U. S. 412, *rev'g* 90 Iowa, 496; 58 N. W. 887) 2352  
 Rhyner *v.* Menasha (97 Wis. 523; 73 N. W. 41) 2973  
 — *v.* Menasha (107 Wis. 201; 83 N. W. 303) 3000, 3020  
 Ricard Boiler & Engine Co. *v.* Toledo (25 Ohio Cir. Ct. 64) 1595  
 Riccio *v.* Hoboken (69 N. J. L. 649; 55 Atl. 1109; 63 L. R. A. 485) 101, 328, 330  
 Rice *v.* Ashland County (114 Wis. 130; 89 N. W. 908) 2823  
 — *v.* Austin (19 Minn. 103; 18 Am. Rep. 330) 2660  
 — *v.* Chicago (57 Ill. App. 558) 1653  
 — *v.* Colorado Smelting Co. (28 Colo. 519; 66 Pac. 894) 623  
 — *v.* Des Moines (40 Iowa, 638) 377, 3003, 3021  
 Rice *v.* Evansville (108 Ind. 7; 9 N. E. 139; 58 Am. Rep. 22) 3037, 3049  
 — *v.* Foster (4 Harring. [Del.] .479) 919  
 — *v.* Haywards (107 Cal. 398; 40 Pac. 551) 1214, 1223  
 — *v.* Keokuk (15 Iowa, 579) 345  
 — *v.* Milwaukee (100 Wis. 516; 76 N. W. 341) 398, 400, 402, 416  
 — *v.* Montpelier (19 Vt. 470) 2961  
 — *v.* Osgood (9 Mass. 38) 1755  
 — *v.* Ruddiman (10 Mich. 125) 486  
 — *v.* St. Louis (165 Mo. 636; 65 S. W. 1002) 2910, 2912  
 — *v.* Shay (43 Mich. 380; 5 N. W. 435) 553  
 — *v.* Smith (9 Iowa, 570) 2665, 2772  
 — *v.* State (3 Kan. 141) 970, 968, 1110, 1133  
 — *v.* Whitby (25 Ont. App. 191) 1089  
 Rice B. & F. Mach. & I. Co. *v.* Worcester (130 Mass. 575) 2657  
 Rich *v.* Chicago (59 Ill. 286) 873  
 — *v.* Chicago (152 Ill. 18; 38 N. E. 255) 2447, 2453, 2548, 2591, 2617, 2619  
 — *v.* Chicago (187 Ill. 396; 58 N. E. 306) 2453  
 — *v.* McLaurin (83 Miss. 95; 35 So. 337) 677, 836  
 — *v.* Mentz (134 U. S. 632) 1539  
 — *v.* Mentz (18 Fed. Rep. 52; 19 Fed. Rep. 725) 584, 1368  
 — *v.* Minneapolis (37 Minn. 423; 35 N. W. 2; 5 Am. St. Rep. 861) 2920  
 — *v.* Naperville (42 Ill. App. 222) 935  
 — *v.* Woods (118 Ky. 865; 82 S. W. 578) 461, 2614  
 Richards *v.* Ann Arbor (152 Mich. 15; 115 N. W. 1047) 3038  
 — *v.* Bayonne (61 N. J. L. 496; 39 Atl. 708) 1003  
 — *v.* Bristol County (120 Mass. 401) 1807  
 — *v.* Cincinnati (31 Ohio St. 506) 1698  
 — *v.* Clarksburg (30 W. Va. 491; 4 S. E. 774) 779, 781, 783  
 — *v.* Clay County (40 Neb. 45; 58 N. W. 594) 2479  
 — *v.* Daggett (4 Mass. 534) 627, 628  
 — *v.* Dover (61 N. J. L. 400; 39 Atl. 705) 1915  
 — *v.* Enfield (13 Gray [Mass.] 344) 2973, 2974  
 — *v.* Holt (61 Iowa, 529; 16 N. W. 595) 1050  
 — *v.* Jerseyville (214 Ill. 67; 73 N. E. 370) 2598

## TABLE OF CASES CITED

361

[References are to pages]

- Richards v. Klickitat County* (13 Wash. 509; 43 Pac. 647) 378, 432  
 — *v. McMillin* (36 Neb. 352; 54 N. W. 566) 722  
 — *v. Waupun* (59 Wis. 45; 17 N. W. 975) 3050  
*Richards Building Moving Co. v. Boston El. L. Co.* (188 Mass. 265; 74 N. E. 350) 1852  
*Richardson v. Baltimore* (8 Gill [Md.] 433) 1657, 2755  
 — *v. Board of Education* (72 Kan. 629; 84 Pac. 538) 262, 266, 334  
 — *v. Boston* (24 How. [U. S.] 188; s. c. 19 How. [U. S.] 263) 486, 513, 1560  
 — *v. Boston* (19 How. [U. S.] 270) 3053, 3059  
 — *v. Boston* (156 Mass. 145; 30 N. E. 478) 3013  
 — *v. Centreville* (137 Iowa, 253; 114 N. W. 1071) 1677  
 — *v. Crandall* (48 N. Y. 348) 1165  
 — *v. Davis* (91 Md. 390; 46 Atl. 964) 1716  
 — *v. Grant County* (27 Fed. Rep. 495) 1185  
 — *v. Hedges* (150 Ind. 53; 49 N. E. 822) 440, 441  
 — *v. Heydenfeldt* (46 Cal. 68) 2404  
 — *v. McKeesport* (18 Pa. Super. Ct. 199) 1745  
 — *v. McReynolds* (114 Mo. 641; 21 S. W. 901) 658  
 — *v. Marceline* (73 Mo. App. 360) 3014  
 — *v. Marshall County* (100 Tenn. 346; 45 S. W. 440) 1531  
 — *v. Mehler* (111 Ky. 408; 63 S. W. 957) 271, 280, 310, 1242  
 — *v. Mississippi Levee Com'rs* (77 Miss. 518; 26 So. 963) 1993  
 — *v. Prentiss* (48 Mich. 88; 11 N. W. 819) 486  
 — *v. Royalton & W. Turnp. Co.* (6 Vt. 496) 1832, 3013  
 — *v. Scott, &c. Co.* (22 Cal. 150) 1175  
 — *v. Spencer* (6 Ohio, 13) 2857  
 — *v. Syracuse* (41 N. Y. App. Div. 118; 58 N. Y. Supp. 487) 3002  
 — *v. United States* (100 Fed. Rep. 714) 497  
 — *v. Webster City* (111 Iowa, 427; 82 N. W. 920) 1098, 2932, 2933  
*Richardson & Boynton Co. v. Barstow Stove Co.* (13 N. Y. Supp. 358) 1861  
*Richardson Gas & Oil Co. v. Altoona* (79 Kan. 466; 100 Pac. 50; 21 L. R. A. N. s. 214) 2165  
*Richcreek v. Moorman* (14 Ind. App. 370; 42 N. E. 943) 2625  
*Richeson v. People* (115 Ill. 450; 5 N. E. 121) 571, 1536  
*Richland County v. Lawrence* (12 Ill. 1) 144, 178, 179, 183, 185, 186, 627  
*Richland Sch. Township v. Overmeyer* (164 Ind. 382; 73 N. E. 811) 1640  
*Richman v. Consolidated Gas Co.* (186 N. Y. 209; 78 N. E. 871, aff'g 114 N. Y. App. Div. 216; 100 N. Y. Supp. 81) 2260  
 — *v. Muscatine County* (70 Iowa, 627; 26 N. W. 24) 2596  
 — *v. Muscatine County* (77 Iowa, 513; 42 N. W. 422; 14 Am. St. Rep. 308) 126, 232, 334, 2635, 2641  
*Richmond v. Caruthers* (103 Va. 774; 50 S. E. 265) 1029  
 — *v. Courtney* (32 Gratt. [Va.] 792) 2992, 2993, 2998, 3005  
 — *v. Crenshaw* (76 Va. 936) 2765, 2786  
 — *v. Daniel* (14 Gratt. [Va.] 385) 2399, 2400, 2423  
 — *v. Davis* (103 Ind. 449; 3 N. E. 130) 1570, 2763, 2766, 2770  
 — *v. Dudley* (129 Ind. 112; 28 N. E. 312; 28 Am. St. Rep. 180) 935  
 — *v. Gallego Mills Co.* (102 Va. 165; 45 S. E. 877) 1728, 1730, 3055  
 — *v. Gibson* ([Ky.], 46 S. W. 702) 2429  
 — *v. Henrico County* (83 Va. 204; 2 S. E. 26) 1031  
 — *v. Judah* (5 Leigh [Va.] 305) 2832  
 — *v. Lincoln* (167 Ind. 468; 79 N. E. 445) 2135, 2302, 2911  
 — *v. Long's Adm'r* (17 Gratt. [Va.] 375) 183, 2837, 2866, 2884, 2885, 2898, 2903  
 — *v. McGirr* (78 Ind. 192) 377, 449, 459, 522, 524, 525, 546, 550, 553, 1327, 1344  
 — *v. Municipality* (8 Up. Can. Q. B. 567) 1155  
 — *v. Oxford* (119 N. Car. 214; 25 S. E. 966) 1480  
 — *v. Pemberton* (108 Va. 220; 61 S. E. 787) 2962  
 — *v. Powell* ([Ky.], 15 Ky. Law Rep. 174; 27 S. W. 1) 348  
 — *v. Richmond & D. R. Co.* (21 Gratt. [Va.] 604) 144, 178, 2397, 2423, 2444  
 — *v. Richmond Nat. Gas Co.* (168 Ind. 82; 79 N. E. 1031) 2144, 2230, 2236

[References are to pages]

- Richmond *v.* Smith (15 Wall. [U. S.] 429) 1139  
 — *v.* Smith (148 Ind. 294; 47 N. E. 630) 1866  
 — *v.* Smith (101 Va. 161; 43 S. E. 345) 1866, 2981, 2983  
 — *v.* Southern Bell Tel. Co. (174 U. S. 761, modifying 85 Fed. Rep. 19; 42 U. S. App. 686) 1924, 1927  
 — *v.* State (5 Ind. 334) 1577  
 — *v.* Williams (102 Va. 733; 47 S. E. 844) 2363, 2595, 2610  
 — *v.* Wood (109 Va. 75; 63 S. E. 449) 3056  
 Richmond & A. R. Co. *v.* Lynchburg (81 Va. 473) 2375, 2503, 2565  
 Richmond & W. P. Land Co. *v.* West Point (94 Va. 668; 27 S. E. 460) 538, 542, 1343, 1495  
 Richmond Cemetery Co. *v.* Sullivan (104 Ky. 723; 47 S. W. 1079) 1504  
 Richmond County Gas Light Co. *v.* Middletown (59 N. Y. 228) 464, 597, 1916, 1917, 1977, 2154  
 Richmond County Society *v.* New York City (73 N. Y. App. Div. 607; 77 N. Y. Supp. 41) 1320  
 Richmond, F. & P. R. Co. *v.* Louisiana R. Co. (13 How. [U. S.] 71) 1604  
 — *v.* Richmond (96 U. S. 521) 930, 1091, 1952, 1972, 2067, 2501  
 Richmond Mayoralty Case (19 Gratt. [Va.] 673) 154, 1118  
 Richmond R. & Elect. Co. *v.* Brown (97 Va. 26; 32 S. E. 775) 1958  
 Richmond Traction Co. *v.* Murphy (98 Va. 104; 34 S. E. 982) 2007  
 Rick *v.* Wilkes-Barre (9 Pa. Super. Ct. 399) 2998, 3000, 3002  
 Ricket *v.* Metropolitan R. Co. (L. R. 2 H. L. 175) 2047, 2935  
 Ricket's Case (2 Eng. & Ir. App. 175) 1611  
 Ricketson *v.* Milwaukee (105 Wis. 591; 81 N. W. 864) 1170, 1197, 1207, 1212, 1213  
 Ricketts, Matter of (111 N. Y. App. Div. 669; 98 N. Y. Supp. 502) 709  
 — *v.* Hyde Park (85 Ill. 110) 2628  
 — *v.* Markdale (31 Ont. Rep. [Can.] 610) 3000  
 Rico *v.* Snider (134 Fed. Rep. 953) 2747, 2754  
 Riddle *v.* Bedford (7 S. & R. [Pa.] 386) 680, 743, 842  
 — *v.* Charlestown (43 W. Va. 796; 28 S. E. 831) 1698, 1730, 1737, 2426  
 Riddle *v.* Merrimac River Canal Prop. (7 Mass. 169) 2853, 2855, 2857, 2859, 2952  
 — *v.* Prop. of Locks & Canals (7 Mass. 169; 5 Am. Dec. 35) 589, 767  
 — *v.* Westfield (65 Hun [N. Y.] 432; 20 N. Y. Supp. 359) 3016  
 Ridenbaugh, *In re* (5 Idaho, 371; 49 Pac. 12) 926  
 Rideout *v.* Dunstable School Dist. (1 Allen [Mass.] 232) 830  
 — *v.* Knox (148 Mass. 368; 19 N. E. 390; 12 Am. St. Rep. 560) 1059, 1072  
 Rider *v.* Mt. Vernon (87 Hun [N. Y.] 27; 33 N. Y. Supp. 745) 2815  
 — *v.* Portsmouth (67 N. H. 298; 38 Atl. 385) 848, 2861  
 Ridge Ave., *In re* (99 Pa. 469) 2924  
 Ridge Av. Pass. R. Co. *v.* Philadelphia (10 Phila. 37) 2749  
 Ridge Street, *In re* (29 Pa. 391) 2924  
 Ridgeway *v.* Escanaba (154 Mich. 68; 117 N. W. 550) 2817, 2821  
 — *v.* Michellon (42 N. J. L. 405) 460  
 — *v.* West (60 Ind. 371) 970, 1112  
 Ridgway *v.* Osceola (139 Iowa, 590; 117 N. W. 974) 1841  
 Ridley *v.* Lamb (10 Up. Can. Q. B. 354) 1858  
 Ridley Park *v.* Citizens' Elect. L. & P. Co. (9 Pa. Super. Ct. 615) 2061, 2074  
 Riehl *v.* San Jose (101 Cal. 442; 35 Pac. 1013) 1222, 1223  
 Riebst *v.* Goshen (42 Ind. 339) 3003  
 Riggins *v.* Richards (97 Tex. 229; 77 S. W. 946) 783, 784, 814  
 Riggs *v.* Detroit Bd. of Education (27 Mich. 262) 1750, 1835, 1836  
 — *v.* Johnson County (6 Wall. [U. S.] 166) 1403, 2679, 2687, 2691, 2695, 2724  
 Righter *v.* Newark (45 N. J. L. 104) 2456, 2637, 2640, 2641  
 Rightmire *v.* Camden (50 N. J. L. 43; 13 Atl. 30) 720  
 Rigney *v.* Chicago (102 Ill. 64) 1607, 1610, 1611, 2018, 2918, 2929, 2932, 2935, 2939, 2940, 2944  
 Rigony *v.* Schuylkill (103 Pa. St. 382) 1831, 2994  
 Rigsbee *v.* Durham (98 N. Car. 81; 3 S. E. 749) 659  
 Rike *v.* Floyd (6 Ohio Cir. Ct. 80) 655, 656  
 Riley *v.* Buchanan (116 Ky. 625; 76 S. W. 527) 1726  
 — *v.* Garfield (54 Kan. 463; 38 Pac. 560) 2678, 2687  
 — *v.* Garfield (58 Kan. 299; 49 Pac. 85) 122, 124, 1369

## TABLE OF CASES CITED

363

[References are to pages]

- Riley *v.* Hammel (38 Conn. 574) 1725  
 — *v.* Rochester (9 N. Y. 64, rev'g 13 Barb. [N. Y.] 321) 1566  
 — *v.* St. Joseph (67 Mo. 491) 2477  
 — *v.* Trenton (51 N. J. L. 498; 18 Atl. 116) 972  
 — *v.* Western Union Tel. Co. (47 Ind. 511) 2764  
 Rimby *v.* Philadelphia (208 Pa. 119; 57 Atl. 347) 2984  
 Rindge *v.* Colrain (11 Gray [Mass.] 157) 3003  
 Ring *v.* Cohoes (77 N. Y. 83; 33 Am. Rep. 574) 2971, 2978, 2990  
 — *v.* Johnson County (6 Iowa, 265) 631, 1397  
 Ringelstein *v.* San Antonio ([Tex. Civ. App.], 21 S. W. 634) 2974  
 Ringland *v.* Toronto (23 Up. Can. C. P. 98) 2961  
 Ripley *v.* Essex County (40 N. J. L. 45) 2950  
 — *v.* Gage County (3 Neb. 397) 1588  
 — *v.* Gelston (9 Johns. [N. Y.] 201; 6 Am. Dec. 271) 2828  
 Ripley County *v.* Hill (115 Ind. 316; 16 N. E. 156) 1391  
 — *v.* Ward (69 Ind. 441) 564, 1247  
 Ripon *v.* Bittel (30 Wis. 614) 3000, 3004  
 — *v.* Hobart (3 Mylne & Keen, 169) 1044  
 — *v.* Joint School Dist. (17 Wis. 83) 2833  
 Rippe *v.* Chicago, D. & M. R. Co. (23 Minn. 18) 487  
 Rische *v.* Texas Transportation Co. (27 Tex. Civ. App. 33; 66 S. W. 324) 2030  
 Risdon *v.* Shank (37 Iowa, 82) 2593  
 Risley *v.* Howell (22 U. S. App. 635) 573  
 — *v.* Howell (64 Fed. Rep. 453, rev'g 57 Fed. Rep. 544) 1404, 1472, 1481, 1484  
 — *v.* St. Louis (34 Mo. 404) 1649, 2610, 2632  
 — *v.* Smith (64 N. Y. 570) 2652  
 Ritchie *v.* Franklin County (22 Wall. [U. S.] 67) 1463, 1524  
 — *v.* People (155 Ill. 98; 40 N. E. 454; 46 Am. St. Rep. 315) 205, 207, 1006  
 — *v.* South Topeka (38 Kan. 368; 16 Pac. 332) 2789  
 Ritter *v.* Drainage District (78 Ark. 580; 94 S. W. 711) 2532  
 Rittman *v.* Payne (68 Ark. 338; 58 S. W. 350) 634  
 Ritz *v.* Wheeling (45 W. Va. 262; 31 S. E. 993) 2913  
 Rivas *v.* Solary (18 Fla. 122, 126) 483  
 River Forest *v.* Chicago & N. W. R. Co. (197 Ill. 344; 64 N. E. 364) 2591  
 River Rendering Co. *v.* Behr (77 Mo. 91; 46 Am. Rep. 6, rev'g 7 Mo. App. 345) 927, 1029  
 Rivers *v.* Augusta (65 Ga. 376; 38 Am. Rep. 787) 2838, 2842  
 Riverside *v.* MacLain (210 Ill. 308; 71 N. E. 408) 1688, 1716, 1718, 1723, 1741, 1747, 1748, 1750, 1751, 2752  
 — *v.* Pennsylvania R. Co. (74 N. J. L. 476; 66 Atl. 433) 1746  
 Riverside & A. R. Co. *v.* Riverside (118 Fed. Rep. 736) 2127  
 Riverside Avenue, Matter of (83 Hun [N. Y.] 50; 31 N. Y. Supp. 735) 1684  
 Riverside County *v.* San Bernardino County (134 Cal. 517; 66 Pac. 788) 627, 2657  
 — *v.* Thompson (122 Fed. Rep. 860) 2711  
 Riverside Park, Matter of (59 N. Y. App. Div. 603; 69 N. Y. Supp. 742, aff'd 167 N. Y. 627; 60 N. E. 1116) 1660, 1677  
 Rives *v.* Columbia (80 Mo. App. 173) 2927  
 — *v.* Dudley (3 Jones Eq. [N. Car.] 126; 67 Am. Dec. 231) 1737  
 Rizer *v.* People (18 Colo. App. 40; 69 Pac. 315) 2708, 2710  
 Road Case (17 Pa. St. 71, 75) 871, 920  
 Road Commission *v.* Harrington Township (54 N. J. L. 274; 23 Atl. 666) 319  
 Roake *v.* American Tel. & Tel. Co. (41 N. J. Eq. 35; 2 Atl. 618) 1922, 1929  
 Roanoke City *v.* Berkowitz (80 Va. 616) 1620, 1641, 1671  
 Roanoke Gas Co. *v.* Roanoke (88 Va. 810; 14 S. E. 665) 1804, 1812, 1820, 1847  
 Roaring Creek Water Co. *v.* Girton (142 Pa. 92; 21 Atl. 780) 2590  
 Roath *v.* Driscoll (20 Conn. 533; 52 Am. Dec. 352) 1059  
 Robb *v.* Carter (65 Md. 321; 4 Atl. 282) 717, 728  
 — *v.* Indianapolis (38 Ind. 49) 964  
 Robbins, Matter of (82 N. Y. 131) 2608  
 — *v.* Ackerly (91 N. Y. 98, aff'g 24 Hun [N. Y.] 499) 1594  
 — *v.* Bangor R. & E. Co. (100 Me. 496; 62 Atl. 136) 2206, 2209, 2214, 2215, 2218, 2238, 2709  
 — *v.* Chicago (4 Wall. [U. S.] 657; s. c. 2 Black [U. S.] 418) 1874, 3027, 3029  
 — *v.* Jones (15 C. B. N. s. 221) 1696



[References are to pages]

- Robbins *v.* Lexington (8 Cush. [Mass.] 292) 2798  
 — *v.* Lincoln County Ct. (3 Mo. 57) 1319, 1320  
 — *v.* Milwaukee & H. R. Co. (6 Wis. 636) 1678, 1682  
 — *v.* People (95 Ill. 175) 972, 1110, 1112  
 — *v.* Scranton (217 Pa. 577; 66 Atl. 977) 1606  
 — *v.* Shelby County Taxing District (120 U. S. 489) 2324, 2326, 2327, 2330, 2331, 2474  
 — *v.* White (52 Fla. 613; 42 So. 841) 1699, 1790  
 — *v.* Willmar (71 Minn. 403; 73 N. W. 1097) 3043  
 Roberson *v.* Bayonne (58 N. J. L. 325; 33 Atl. 734) 2744  
 — *v.* Lambertville (38 N. J. L. 69) 982  
 Robert *v.* Powell (168 N. Y. 411; 61 N. E. 699; 85 Am. St. Rep. 673, aff'g 40 N. Y. App. Div. 613; 58 N. Y. Supp. 1148) 1876, 2961  
 — *v.* Sadler (104 N. Y. 229; 10 N. E. 428; 58 Am. Rep. 498, rev'g 37 Hun [N. Y.] 377) 1773, 1792, 1816, 1818  
 Robertson *v.* New York (7 N. Y. Misc. 645; 28 N. Y. Supp. 13) 2916  
 Roberts, *In re* (6 Pet. [U. S.] 216) 2647  
 — *v.* Bolles (101 U. S. 119) 1420, 1515  
 — *v.* Bradfield (12 App. D. C. 453) 2763, 2767  
 — *v.* Brown County (21 Kan. 247) 1682  
 — *v.* Cambridge (164 Mass. 176; 41 N. E. 230) 1190  
 — *v.* Camden (63 N. J. L. 186; 42 Atl. 848) 649, 2796  
 — *v.* Chicago (26 Ill. 249) 2925, 2933, 2934  
 — *v.* Chicago & N. W. R. Co. (35 Wis. 679) 2077  
 — *v.* Consaul (24 App. D. C. 551) 2659  
 — *v.* Detroit (102 Mich. 64; 60 N. W. 450; 27 L. R. A. 572) 2957  
 — *v.* Easton (19 Ohio St. 78) 1963, 1964, 1967  
 — *v.* Erickson (117 Wis. 324; 94 N. W. 29) 1315  
 — *v.* Evanston (218 Ill. 296; 75 N. E. 923) 2548  
 — *v.* Fargo (10 N. Dak. 230; 86 N. W. 726) 1155, 1178, 2764  
 — *v.* First Nat. Bank (8 N. Dak. 504; 79 N. W. 1049) 1144, 2528, 2571  
 — *v.* Karr (1 Camp. 262) 1707, 1713  
 Roberts *v.* Louisville (92 Ky. 95; 17 S. W. 216; 13 L. R. A. 844) 510, 1583, 1758  
 — *v.* Mathews (137 Ala. 523; 34 So. 624; 97 Am. St. Rep. 56) 1704, 1790  
 — *v.* New York (5 Abb. [N. Y.] Pr. R. 41) 2769  
 — *v.* New York Elev. R. Co. (128 N. Y. 455; 28 N. E. 486) 2044  
 — *v.* New York Elev. R. Co. (155 N. Y. 31; 49 N. E. 262, modifying 12 N. Y. Misc. 345; 33 N. Y. Supp. 685) 1968, 2040, 2043  
 — *v.* Northern Pacific R. Co. (158 U. S. 1) 573, 576  
 — *v.* Ogle (30 Ill. 459; 83 Am. Dec. 201) 944, 1035, 1039, 1100  
 — *v.* Paducah (95 Fed. Rep. 62) 896, 1399  
 — *v.* Paul (50 W. Va. 528; 40 S. E. 470) 2657  
 — *v.* People (93 Ill. App. 645) 623  
 — *v.* St. Mary's (78 Kan. 707; 98 Pac. 211) 2135, 2910  
 — *v.* Smith (115 Mich. 5; 72 N. W. 1091) 2319, 2370  
 — *v.* State (14 Mo. 138; 55 Am. Dec. 97) 676  
 — *v.* State (30 N. Y. App. Div. 106; 51 N. Y. Supp. 691) 234  
 — *v.* Superior Court (147 Cal. 568; 82 Pac. 201) 786  
 — *v.* United States (176 U. S. 221) 2659  
 — *v.* Wisconsin Tel. Co. (77 Wis. 589; 46 N. W. 800; 20 Am. Rep. 143) 1927  
 Roberts & Co. *v.* Taft (116 Fed. Rep. 228; s. c. 109 Fed. Rep. 825) 1399  
 Robertson *v.* Alameda Library Trustees (136 Cal. 403; 69 Pac. 88) 349, 1287, 1294, 1314, 1315, 2649  
 — *v.* Baxter (57 Mich. 127; 23 N. W. 711) 163, 176, 1626  
 — *v.* Blaine County (90 Fed. Rep. 63; 47 L. R. A. 459) 625  
 — *v.* Breedlove (61 Tex. 316) 522, 538, 539, 1340, 2765  
 — *v.* Marion (97 Ill. App. 332) 2883  
 — *v.* Meyer (59 N. J. Eq. 366; 45 Atl. 983) 1714, 1746  
 — *v.* Omaha (55 Neb. 718; 76 N. W. 442) 1261, 2583  
 — *v.* Rockford (21 Ill. 451) 569  
 — *v.* Staunton (104 Va. 73; 51 S. E. 178) 342, 343, 344  
 — *v.* Wabash, St. L. & P. R. Co. (84 Mo. 119) 979, 2067  
 Robie *v.* Sedgwick (35 Barb. [N. Y.] 319) 442



## TABLE OF CASES CITED

365

[References are to pages]

- Robin *v.* Bartlett (64 N. H. 426;  
 13 Atl. 645) 2820, 2821  
 Robin Street, *Re* (1 La. An. 412) 867  
 Robins, *In re* (7 Dowl. 586) 2649  
 — *v.* Latham (134 Mo. 466;  
 36 S. W. 33) 2830, 2831  
 — *v.* McGehee (127 Ga. 431;  
 56 S. E. 461) 1792, 1896  
 — *v.* New Brunswick (44 N. J.  
 L. 116) 2564  
 Robinson, *Ex parte* (12 Nev. 263;  
 28 Am. Rep. 794) 2311, 2468,  
 2470  
 — (30 Tex. App. 493; 17 S. W.  
 1057) 1001, 1035, 1040  
 — *v.* Barton-Eccles (L. R. 8  
 App. Cas. 798) 1770  
 — *v.* Benton County (49 Ark.  
 49; 4 S. W. 195) 1119  
 — *v.* Bidwell (22 Cal. 379) 569  
 — *v.* Bishop (39 Hun [N. Y.]  
 370) 777  
 — *v.* Board of Education (98  
 Ill. App. 100) 1222  
 — *v.* Brown (182 Mass. 266; 65  
 N. E. 377) 1791, 1844  
 — *v.* Burlington (50 Iowa, 240) 2625,  
 2833  
 — *v.* Butte County (43 Cal.  
 353) 2692  
 — *v.* Chamberlain (34 N. Y.  
 389; 90 Am. Dec. 713) 767, 768,  
 770  
 — *v.* Charleston Council (2  
 Rich. [S. Car.] Law, 317) 2829,  
 2831, 2835  
 — *v.* Danville (101 Va. 213; 43  
 S. E. 337) 3047  
 — *v.* Dodge (18 Johns. [N. Y.]  
 351) 2404  
 — *v.* Evansville (87 Ind. 334;  
 44 Am. Rep. 770) 2301, 2303  
 — *v.* Everett (191 Mass. 587;  
 77 N. E. 1151) 3048  
 — *v.* Ferguson (119 Iowa, 325;  
 93 N. W. 350) 2442  
 — *v.* Franklin (1 Humph. [Tenn.]  
 156; 34 Am. Dec. 625) 1012  
 — *v.* Gilroy (10 N. Y. Misc. 205;  
 30 N. Y. Supp. 411) 2778  
 — *v.* Goldsboro (122 N. Car.  
 211; 30 S. E. 324) 1382  
 — *v.* Goldsboro (135 N. Car.  
 382; 47 S. E. 462) 428, 1381  
 — *v.* Greenville (42 Ohio, '625;  
 51 Am. Rep. 857) 2850, 2979  
 — *v.* Groscourt (5 Mod. 104) 1011  
 — *v.* Jefferson County (6 Watts  
 & S. 16) 2799  
 — *v.* Jones (14 Fla. 254) 2740  
 — *v.* Lane (19 Ga. 337) 601  
 — *v.* London Hosp. (21 Eng. L.  
 & Eq. 371) 2733  
 Robinson *v.* Mills (25 Mont. 391;  
 65 Pac. 114) 3019, 3028  
 — *v.* Miner (68 Mich. 549; 37  
 N. W. 21) 935  
 — *v.* New York & Erie R. Co.  
 (27 Barb. [N. Y.] 512) 1999  
 — *v.* New York Elev. R. Co.  
 (175 N. Y. 219; 67 N. E. 431) 2044  
 — *v.* Norwood (27 Pa. Super.  
 Ct. 481) 2838  
 — *v.* Perry (17 Kan. 248) 262  
 — *v.* Robinson (1 Duvall [Ky.]  
 162) 1682  
 — *v.* Rohr (73 Wis. 436; \*40 N.  
 W. 668; 9 Am. St. Rep. 810) 771,  
 772, 776  
 — *v.* St. Louis (28 Mo. 488) 559,  
 1175  
 — *v.* State (60 Ind. 26) 682  
 — *v.* Valparaiso (136 Ind. 616;  
 36 N. E. 644) 1250, 2628  
 — *v.* Western Pac. R. Co. (48  
 Cal. 409) 2985  
 Robinson-Humphrey Co. *v.* Wil-  
 cox County (129 Ga. 104; 58  
 S. E. 644) 1390  
 Robison *v.* Haug (71 Mich. 38) 1016,  
 1019  
 Robling *v.* Pike County (141 Ind.  
 522; 40 N. E. 1079) 458  
 Roby *v.* Chicago (64 Ill. 447) 984  
 — *v.* Chicago (215 Ill. 604; 74  
 N. E. 768) 916, 2754  
 Roche *v.* Jersey City (40 N. J. L.  
 257) 919  
 — *v.* Ryan (22 Ont. Rep. 107) 1693  
 Rochedale Canal Co. *v.* Radcliffe  
 (18 Q. B. 287) 1890  
 Rochester, Matter of (137 N. Y.  
 243; 33 N. E. 320) 2609  
 — (102 N. Y. App. Div. 181;  
 92 N. Y. Supp. 405) 1635, 1649,  
 1650  
 — *v.* Alfred Bank (13 Wis.  
 432; 80 Am. Dec. 746) 1518  
 — *v.* Bell Tel. Co. (52 N. Y.  
 App. Div. 6; 64 N. Y. Supp.  
 804) 2061, 2069, 2072  
 — *v.* Bloss (185 N. Y. 42; 77  
 N. E. 794; 6 L. R. A. N. s.  
 694) 2479, 2484  
 — *v.* Campbell (123 N. Y. 405;  
 25 N. E. 937; 10 L. R. A. 393;  
 20 Am. St. Rep. 760) 1813, 2986  
 — *v.* Coe (25 N. Y. App. Div.  
 300; 49 N. Y. Supp. 502) 2433  
 — *v.* Collins (12 Barb. [N. Y.]  
 559) 2914  
 — *v.* Lee (15 Sim. 376) 607  
 — *v.* Montgomery (72 N. Y.  
 65) 3032  
 — *v.* Pettinger (17 Wend. [N.  
 Y.] 265) 1079

[References are to pages]

- Rochester v. Queen* (27 Law J. Q. B. 436) 2665  
 — *v. Quintard* (136 N. Y. 221; 32 N. E. 760) 436  
 — *v. Randall* (105 Mass. 295; 8 Am. Rep. 519) 683  
 — *v. Rochester & L. O. Water Co.* (189 N. Y. 323; 82 N. E. 154, modifying 114 N. Y. App. Div. 907; 100 N. Y. Supp. 1110) 1911, 2122  
 — *v. Rochester R. Co.* (182 N. Y. 99; 74 N. E. 953, rev'g 98 N. Y. App. Div. 521; 91 N. Y. Supp. 87) 1952, 1953, 1954, 2078  
 — *v. Rood* (Hill & Denio [N. Y.] Suppl. 146) 1078  
 — *v. Rush* (80 N. Y. 302) 2118, 2432  
 — *v. Simpson* (134 N. Y. 414; 31 N. E. 871) 902  
 — *v. Upman* (19 Minn. 108) 2461  
 — *v. West* (164 N. Y. 510; 58 N. E. 673; 79 Am. St. Rep. 659, aff'g 29 N. Y. App. Div. 125; 51 N. Y. Supp. 482) 939, 1002, 1066, 1067, 1068  
*Rochester & H. V. R. Co. v. Rochester* (17 N. Y. App. Div. 257; 45 N. Y. Supp. 687) 1614  
*Rochester & L. O. R. Co., Matter of* (51 N. Y. App. Div. 65; 64 N. Y. Supp. 429) 1943, 1969  
*Rochester & L. O. Water Co. v. Rochester* (176 N. Y. 36; 68 N. E. 117, aff'g 84 N. Y. App. Div. 71; 82 N. Y. Supp. 455) 1911, 1984, 2061, 2122, 2143  
*Rochester Elect. R. Co., Matter of* (123 N. Y. 351; 25 N. E. 381) 1801, 1942, 1945, 1985  
 — (57 Hun [N. Y.] 56; 10 N. Y. Supp. 379) 2024  
*Rochester, H. & L. R. Co. v. New York, L. E. & W. R. Co.* (110 N. Y. 128; 17 N. E. 680) 1984  
*Rochester R. Co. v. Rochester* (205 U. S. 236, aff'g 182 N. Y. 99; 74 N. E. 953) 2449  
*Rochester Tel. Co. v. Ross* (195 N. Y. 429; 88 N. E. 793, aff'g 125 N. Y. App. Div. 76; 109 N. Y. Supp. 381) 1958, 2236  
*Rochester Water Com'rs, In re* (66 N. Y. 413) 1611, 1612, 1633, 1919  
*Rochester White Lead Co. v. Rochester* (3 N. Y. 463; 53 Am. Dec. 316) 2901, 2902, 2914, 3037, 3054  
*Rochford v. School Dist.* (19 S. Dak. 435; 103 N. W. 763) 1293  
*Rock v. Stinger* (36 Ind. 346) 763  
*Rock Creek Tp. v. Strong* (96 U. S. 271) 1375, 1420, 1428, 1491  
*Rock Island v. Central Un. Tel. Co.* (132 Ill. App. 248) 1985, 2058  
 — *v. Drost* (71 Ill. App. 613) 2998  
*Rock Island & P. R. Co. v. Johnson* (204 Ill. 488; 68 N. E. 549) 1687, 1690, 2014, 2016  
*Rock Island County v. United States* (4 Wall. [U. S.] 435) 466, 2656, 2679, 2687, 2692  
*Rock Island Plow Co. v. Peterson* (93 Minn. 356; 101 N. W. 616) 2327, 2329  
*Rockafeller v. Northern Cent. R. Co.* (212 Pa. 485; 61 Atl. 960) 1840  
*Rockebrandt v. Madison* (9 Ind. App. 227; 36 N. E. 444; 53 Am. St. Rep. 348) 2115, 2132  
*Rockefeller v. Taylor* (69 N. Y. App. Div. 176; 74 N. Y. Supp. 812) 2780  
*Rockford v. Compton* (115 Ill. App. 406) 799, 809, 810  
 — *v. Hildebrand* (61 Ill. 155) 2984, 2986, 2990, 2993, 2998, 3001, 3014  
 — *v. Tripp* (83 Ill. 247; 25 Am. Rep. 381) 2965, 2979  
*Rockford & I. R. Co. v. Keyt* (117 Ill. App. 32) 2018, 2019  
*Rockingham County Light & P. Co. v. Hobbs* (72 N. H. 531; 58 Atl. 46) 2125  
*Rockland Water Co. v. Adams* (84 Me. 472; 24 Atl. 840; 30 Am. St. Rep. 368) 2212, 2218  
 — *v. Rockland* (83 Me. 267; 22 Atl. 166) 2066  
*Rockport Water Co. v. Rockport* (161 Mass. 279; 37 N. E. 168) 2185, 2191, 2239  
*Rockville Nat. Bank v. Citizens' Gaslight Co.* (72 Conn. 576; 45 Atl. 361) 1546  
*Rockwith v. State Road Bridge Co.* (145 Mich. 455; 108 N. W. 785) 2060  
*Rodda v. Detroit* (117 Mich. 412; 75 N. W. 937) 3020  
*Rode v. Siebe* (119 Cal. 518; 51 Pac. 869) 332  
*Rodenbarger v. State* (165 Ind. 685; 76 N. E. 398) 2658  
*Rodenhause v. Craven* (141 Pa. St. 546; 21 Atl. 774; 23 Am. St. Rep. 306) 1049  
*Roderick v. Whitson* (51 Hun [N. Y.] 620; 4 N. Y. Supp. 112) 675  
*Rodman v. Musselman* (12 Bush [Ky.] 354; 23 Am. Rep. 724) 471, 742  
*Rodrigue v. Rogers* (4 Cal. App. 257; 87 Pac. 563) 803

[References are to pages]

- Roebbing *v.* Trenton Pass. R. Co.  
 (58 N. J. L. 666; 34 Atl. 1090) 2007  
 Roebbing Sons Co. *v.* New York  
 City (110 N. Y. App. Div. 366;  
 97 N. Y. Supp. 278) 1320  
 Roedel *v.* White Cloud (108 Mich.  
 506; 66 N. W. 386) 2829  
 Roehm *v.* Horst (178 U. S. 1) 1231  
 Roeller *v.* Ames (33 Minn. 132;  
 22 N. W. 177) 742  
 Roemheld *v.* Chicago (231 Ill.  
 467; 83 N. E. 291) 1169, 1170,  
 1228  
 Roffignac Street, *In re* (4 Rob.  
 [La.] 357) 1651, 1653  
 Rogan *v.* Watertown (30 Wis.  
 259) 136, 570, 573, 1348, 1492,  
 1495  
 Roger Mills County *v.* Rowden  
 (8 Okla. 406; 58 Pac. 624) 403  
 Rogers, *In re* (7 Cow. [N. Y.] 526) 827,  
 848, 865, 2710, 2722  
 — *v.* Binghamton (101 N. Y.  
 App. Div. 352; 92 N. Y. Supp.  
 179, aff'd 186 N. Y. 595; 79  
 N. E. 1115) 2838, 2840, 2841  
 — *v.* Buffalo (123 N. Y. 173; 25  
 N. E. 274) 637, 639, 685, 687,  
 689, 786, 823, 2777  
 — *v.* Burlington (3 Wall. [U. S.]  
 654; 144 U. S. 173) 546, 576, 581,  
 1233, 1331, 1342, 1360, 1364, 1402,  
 1413, 1420, 1437, 1439  
 — *v.* Cady (104 Cal. 288; 38  
 Pac. 81; 43 Am. St. Rep. 100) 441  
 — *v.* Collier (43 Mo. 359) 462  
 — *v.* Greenbush (58 Me. 390;  
 4 Am. Rep. 292) 2827, 2830  
 — *v.* Jones (1 Wend. [N. Y.]  
 237; 19 Am. Dec. 493) 944, 945,  
 968, 987, 1081  
 — *v.* Jones (5 D. & R. 484) 886  
 — *v.* Keokuk (154 U. S. 546) 570  
 — *v.* Lee County (1 Dill. C. C.  
 529) 1398  
 — *v.* Le Sueur County (57 Minn.  
 434; 59 N. W. 488) 1342  
 — *v.* O'Brien (153 N. Y. 357;  
 47 N. E. 456, aff'd 7 N. Y. App.  
 Div. 612; 39 N. Y. Supp. 1131) 2752,  
 2776  
 — *v.* Omaha (75 Neb. 318; 107  
 N. W. 212) 1313  
 — *v.* People (9 Colo. 450; 59  
 Am. Rep. 146) 1041  
 — *v.* People (68 Ill. 154) 66, 2679  
 — *v.* Rome (96 N. Y. App. Div.  
 427; 89 N. Y. Supp. 130) 2966, 3001  
 — *v.* St. Charles (54 Mo. 229) 1667  
 — *v.* St. Paul (22 Minn. 494) 2553,  
 2554  
 — *v.* Shirley (74 Me. 144) 2997,  
 3019  
 Rogers *v.* Slonaker (32 Kan. 191;  
 4 Pac. 138) 865  
 — *v.* Wickliffe ([Ky.], 94 S. W.  
 24) 2127  
 — *v.* Williamsport (199 Pa. 450;  
 49 Atl. 293) 3014  
 Rogers Park Water Co. *v.* Chicago  
 (131 Ill. App. 35) 2165  
 — *v.* Fergus (180 U. S. 624,  
 aff'g 178 Ill. 571; 53 N. E.  
 363) 2225, 2229, 2233, 2243, 2244  
 Rogne *v.* People (224 Ill. 449; 79  
 N. E. 662) 1169  
 Rohn *v.* Osmum (143 Mich. 68;  
 106 N. W. 697; 5 L. R. A. N. S.  
 635) 771  
 Rohr *v.* Gray (80 Md. 274; 30  
 Atl. 632) 2468, 2470  
 Rohrer *v.* Harrisburg (20 Pa.  
 Super. Ct. 543) 3044  
 Rolfs, *In re* (30 Kan. 758; 1 Pac.  
 523) 1050, 1128, 1133  
 Roll *v.* Augusta (34 Ga. 326) 1999,  
 2925, 2932, 3040  
 — *v.* Indianapolis (52 Ind. 547) 3055  
 Rollersville Turnp. R. Com'rs  
*v.* Sandusky County (1 Ohio  
 St. 149) 2662  
 Rollins *v.* Gunnison County Board  
 (80 Fed. Rep. 692; 26 C. C. A.  
 91; 49 U. S. App. 399, rev'd  
 173 U. S. 255) 379, 1472, 1475, 1507  
 — *v.* Rio Grande County (90  
 Fed. Rep. 575) 1294  
 Rollo *v.* Chicago (187 Ill. 417; 58  
 N. E. 355) 2453  
 Rolph *v.* Fargo (7 N. Dak. 640; 76  
 N. W. 242; 42 L. R. A. 646) 2363,  
 2503, 2528, 2565, 2571  
 Roman *v.* Strauss (10 Md. 89) 1789  
 Rome *v.* Cabot (28 Ga. 50) 562, 2113  
 — *v.* Jenkins (30 Ga. 154) 1661  
 — *v.* McWilliams (52 Ga. 251) 2469,  
 2475  
 — *v.* McWilliams (67 Ga. 106) 2456  
 — *v.* Omberg (28 Ga. 46; 73  
 Am. Dec. 748) 2925, 2932  
 — *v.* Omburg (22 Ga. 67) 567  
 — *v.* Whitestown Water Works  
 Co. (113 N. Y. App. Div. 547;  
 100 N. Y. Supp. 357, aff'd 187  
 N. Y. 542; 80 N. E. 1106) 436,  
 655, 870, 1384  
 — *v.* Worcester (188 Mass. 307;  
 74 N. E. 370) 2882, 3053  
 Rome R. Co. *v.* Rome (14 Ga. 275)  
 2423, 2445  
 Romeo *v.* Chapman (2 Mich. 179) 610  
 Rominger *v.* Simmons (88 Ind.  
 453) 1618  
 Rommeney *v.* New York (49 N. Y.  
 App. Div. 64; 63 N. Y. Supp.  
 186) 2999, 3012, 3030

[References are to pages]

- Rondot v. Rogers Tp. (99 Fed. Rep. 202) 1376, 1377, 1461, 1466, 1468, 1469, 1475
- Ronkendorf v. Taylor (4 Pet. [U. S.] 349; 1 Wend. [N. Y.] 90) 440, 643
- Roodhouse v. Briggs (105 Ill. App. 116) 623
- v. Christian (55 Ill. App. 107) 2975
- Rooney, *In re* (26 N. Y. Misc. 73; 56 N. Y. Supp. 483) 2648
- v. Milwaukee County (40 Wis. 23) 3024
- v. Randolph (128 Mass. 580) 2955
- v. Snow (131 Cal. 51; 63 Pac. 155) 1315, 2676
- Roosevelt v. Draper (23 N. Y. 318) 2752, 2769, 2773, 2779
- Roosevelt Hospital v. New York (84 N. Y. 108) 2375, 2572
- Root v. Shields (Woolw. C. C. [Neb.] 340) 1557
- v. Topeka (63 Kan. 129; 65 Pac. 233) 1244, 1247
- Roper v. Lawrinburg (90 N. Car. 427) 564, 1243, 1247
- v. McWhorter (77 Va. 214) 517, 519, 1583, 2757, 2764, 2765
- v. New Britain (70 Conn. 459; 39 Atl. 850) 1684
- Ropes v. Essex Public Road Board (37 N. J. L. 335) 2601
- Rork v. Smith (55 Wis. 67; 12 N. W. 408) 2639
- Rosa v. New Orleans (1 La. 126) 1076
- Rose v. Beaver County (204 Pa. 372; 54 Atl. 263) 269
- v. Bennett (25 R. I. 405; 56 Atl. 185) 2656
- v. Douglas Tp. (52 Kan. 451; 34 Pac. 1046; 39 Am. St. Rep. 354) 764
- v. Groves (5 M. & G. 613) 1860
- v. Hardie (98 N. Car. 44; 4 S. E. 41) 443, 964, 959
- v. Hawley (118 N. Y. 502; 23 N. E. 904, rev'g 45 Hun [N. Y.] 592; s. c. 141 N. Y. 366; 36 N. E. 335) 1562, 1564, 1565
- v. King (49 Ohio St. 213; 30 N. E. 267; 15 L. R. A. 160) 1069, 1071
- v. Low (85 N. Y. App. Div. 461; 83 N. Y. Supp. 598) 1205
- v. Roseburg & M. Turnpike Co. (3 Watts [Pa.] 46) 590
- v. St. Charles (49 Mo. 509) 1124, 1731, 3036, 3038
- v. Toledo (24 Ohio Cir. Ct. R. 540) 2886
- v. Trestail (62 Mo. App. 352) 2451, 2632, 2633, 2634
- Rose v. Truax (21 Barb. [N. Y.] 361) 1151
- Rosebaugh v. Saffin (10 Ohio, 31) 30, 957, 959
- Rosedale v. Hanner (157 Ind. 390; 61 N. E. 792) 1083
- Rosell v. Neptune City (68 N. J. L. 509; 53 Atl. 199) 2451, 2537, 2601
- Rosenbaum v. Bauer (120 U. S. 450, aff'g 28 Fed. Rep. 223) 1349, 2645, 2691, 2694
- v. Newbern (118 N. Car. 83; 24 S. E. 1; 32 L. R. A. 123) 2471
- v. San Francisco (28 Fed. Rep. 223, aff'd 120 U. S. 450) 2652
- Rosenberg v. Des Moines (41 Iowa, 415) 3020
- Rosenblatt, *Ex parte* (19 Nev. 439; 14 Pac. 298; 3 Am. St. Rep. 901) 2326
- Rosenblit v. Philadelphia (28 Pa. Super. Ct. 587) 2890
- Rosenbloom v. State (64 Neb. 342; 89 N. W. 1053) 275, 276, 331
- Rosenstock v. New York (101 N. Y. App. Div. 9; 91 N. Y. Supp. 737) 742, 743
- Rosenthal v. Taylor, B. & H. R. Co. (79 Tex. 325; 15 S. W. 268) 1989, 2028
- Rosetta Gravel P. & I. Co. v. Jollisaint (51 La. An. 804; 25 So. 477) 2380, 2503, 2576
- Rosewell v. Prior (1 Salk. 460) 1037
- Ross v. Butler (19 N. J. Eq. 294; 97 Am. Dec. 654) 1039, 1052
- v. Cincinnati (24 Ohio Cir. Ct. 43) 2930
- v. Clinton (46 Iowa, 606; 26 Am. Rep. 169) 3046
- v. Curtiss (31 N. Y. 606) 1534
- v. Davenport (66 Iowa, 548; 24 N. W. 47) 3003
- v. Essex County (69 N. J. L. 143; 53 Atl. 1042, aff'd 69 N. J. L. 291; 55 Atl. 310) 149, 284, 291, 299
- v. Gates (183 Mo. 338; 81 S. W. 1107) 2626
- v. Hatch (5 Iowa, 149) 763
- v. Madison (1 Ind. 281; 48 Am. Dec. 361; s. c. 3 Ind. 236) 885, 1172, 3038, 3056
- v. New York (85 N. Y. App. Div. 611; 82 N. Y. Supp. 920) 1243
- v. Passaic City (64 N. J. L. 488; 45 Atl. 817) 291
- v. Stackhouse (114 Ind. 200; 16 N. E. 501) 1919, 2603
- v. Thompson (78 Ind. 90) 1710, 1775

[References are to pages]

- Ross v. Van Natta* (164 Ind. 557; 74 N. E. 10) 2609  
 — *v. Wimberly* (60 Miss. 345) 597  
 — *v. Winsor* (48 N. J. L. 95; 2 Atl. 658) 296  
 — *v. Wright County* (128 Iowa, 427; 104 N. W. 506; 1 L. R. A. N. S. 431) 2364, 2366, 2368  
*Rossell v. Garon* (50 N. J. L. 358; 13 Atl. 26) 1017  
*Rosselle Park v. Montgomery* ([N. J. Eq.], 60 Atl. 954) 1276  
*Rossin v. Walker* (6 Grant [Canada] 619) 1793  
*Rossire v. Boston* (4 Allen [Mass.] 57) 1561  
*Roswell v. Dominice* (9 N. Mex. 624; 58 Pac. 342) 2596  
*Roter v. Superior* (115 Wis. 243; 91 N. W. 651) 1258, 1392  
*Rothschild v. Chicago* (227 Ill. 205; 81 N. E. 407, rev'g 130 Ill. App. 542) 1868  
 — *v. Darien* (69 Ga. 503) 923  
*Rouede v. Jersey City* (18 Fed. Rep. 719) 1426  
*Rough River Tel. Co. v. Cumberland Tel. & Tel. Co.* (119 Ky. 470; 84 S. W. 517) 1992  
*Roughton v. Atlanta* (113 Ga. 948; 39 S. E. 316) 2868  
*Roundenbush v. Mitchell* (154 Ind. 616; 57 N. E. 510) 2583  
*Rounds v. Mansfield* (38 Me. 586) 567, 773, 774  
 — *v. Mumford* (2 R. I. 154) 771, 985, 2918, 2925, 2934  
 — *v. Stetson* (45 Me. 596) 567  
 — *v. Stratford* (26 Up. Can. C. P. 11) 2978  
*Roundtree v. Galveston* (42 Tex. 613) 2503, 2537, 2565, 2576  
*Rounsaville v. Kohlheim* (68 Ga. 668; 45 Am. Rep. 505) 1049  
*Roup's Case* (81½ Pa. 211) 2427  
*Rouse v. Martin* (75 Ala. 510) 1047  
*Rowan v. Runnels* (5 How. [U. S.] 134) 1408  
*Rowan's Executors v. Portland* (8 B. Mon. [Ky.] 232) 511, 1702, 1716, 1720, 1791, 1892, 1898  
*Rowe v. Addison* (34 N. H. 306) 2901  
 — *v. Kern County* (72 Cal. 353; 14 Pac. 11) 731  
 — *v. Leeds* (13 Up. Can. Q. B. 575) 2952  
 — *v. Portsmouth* (56 N. H. 291; 22 Am. Rep. 464) 2861, 2935, 3042, 3043, 3052  
 — *v. Reneer* ([Ky.], 99 S. W. 250) 1084, 1853  
 — *v. Rochester* (29 Up. Can. Q. B. 590) 2809, 3045  
*Rowell v. Lowell* (7 Gray [Mass.] 100; 66 Am. Dec. 464) 2963, 2970, 2973, 2974, 3003  
 — *v. School District* (59 Vt. 658; 10 Atl. 754) 1184  
 — *v. Williams* (29 Iowa, 210) 2882, 2993, 3015, 3024, 3028, 3032  
*Rowland v. Eskeland* (40 Wash. 253; 82 Pac. 599) 2487  
 — *v. Gallatin* (75 Mo. 134; 42 Am. Rep. 395) 2873  
 — *v. Greencastle* (157 Ind. 591; 62 N. E. 474) 1018  
 — *v. Kalamazoo* (49 Mich. 553; 14 N. W. 494) 2913  
 — *v. Philadelphia* (202 Pa. 50; 51 Atl. 589) 3014  
*Rowley v. London & N. W. R. Co.* (L. R. 8 Ex. 221) 3005, 3006  
 — *v. Queen* (6 Q. B. 668; s. c. 2 Q. B. 143) 645  
*Rowzee v. Pierce* (75 Miss. 846; 23 So. 307; 65 Am. St. Rep. 625) 1750  
*Roxbury v. Boston & P. R. Co.* (6 Cush. [Mass.] 424) 1971, 3034  
*Royal v. Cordele* (132 Ga. 125; 63 S. E. 826) 2222  
*Royal British Bank v. Turquand* (6 El. & Bl. 325) 1420, 1424  
*Royal Street, In re* (16 La. An. 393) 2596  
*Royall v. Virginia* (116 U. S. 572) 2479  
 — *v. Virginia* (121 U. S. 102) 2674  
*Royce v. Salt Lake City* (15 Utah, 401; 49 Pac. 290) 2869, 2870, 2884  
*Rozell v. Anderson* (91 Ind. 591) 3050  
 — *v. Andrews* (103 N. Y. 150; 8 N. E. 513) 1706  
*Rozelle, In re* (57 Fed. Rep. 155) 2326  
*Ruan Street* (132 Pa. 257; 19 Atl. 219) 265, 275, 277, 278, 315, 1621  
*Rube v. Sullivan* (23 Neb. 779; 37 N. W. 666) 1710  
*Rubey v. Shain* (54 Mo. 207) 2771  
*Ruby v. Abyssin. Soc.* (15 Me. 306) 1194  
*Rucker v. Pocahontas County* (7 W. Va. 661) 732  
*Ruckert v. Grand Ave. R. Co.* (163 Mo. 260; 63 S. W. 814) 2007, 2021  
*Rudderow v. Philadelphia* (166 Pa. 241; 31 Atl. 53) 2924  
*Ruddiman v. Taylor* (95 Mich. 547; 55 N. W. 376) 1690  
*Rude v. St. Louis* (93 Mo. 408; 6 S. W. 257) 1844, 1860, 2010, 2021  
*Rudnyai v. Harwinton* (79 Conn. 91; 63 Atl. 948) 2919  
*Rudolph v. Ackerman* (58 N. Y. App. Div. 596; 69 N. Y. Supp. 68) 1731, 1819



[References are to pages]

- Rudolph *v.* Ackerman (30 N. Y. Misc. 698; 64 N. Y. Supp. 460) 1743
- Rudolphe *v.* New Orleans (11 La. An. 242) 2934
- Rugg *v.* Commercial Un. Tel. Co. (66 Vt. 208; 28 Atl. 1036) 1930
- Ruggles *v.* Collier (43 Mo. 359) 461
- *v.* Fond du Lac (53 Wis. 436; 10 N. W. 565) 2814, 2830
- *v.* Illinois (108 U. S. 526) 2226
- *v.* Nantucket (11 Cush. [Mass.] 433) 462, 2847, 2848
- *v.* Nevada (63 Iowa, 185; 18 N. W. 866) 3017
- Ruhlman *v.* Commonwealth (5 Binn. [Pa.] 26) 1655, 2792
- Ruland *v.* South Newmarket (59 N. H. 251) 1711
- Rulison *v.* Post (79 Ill. 567) 925
- Rumford Chemical Wks. *v.* Ray (19 R. I. 456; 34 Atl. 814) 2830
- Rumford School Dist. *v.* Wood (13 Mass. 193) 120, 1593
- Rumsey *v.* Campton (16 N. H. 567) 636
- *v.* New York & N. E. R. Co. (133 N. Y. 79; 30 N. E. 654; 28 Am. St. Rep. 600; s. c. 114 N. Y. 423; 21 N. E. 1066; 136 N. Y. 543; 32 N. E. 979) 487, 490
- *v.* People (19 N. Y. 41) 122
- *v.* Philadelphia (171 Pa. 63; 32 Atl. 1133) 2912
- *v.* Sauk Centre Town (59 Minn. 316; 61 N. W. 330) 627
- Rund *v.* Fowler (142 Ind. 214; 41 N. E. 456) 943, 1048
- Rundle *v.* Baltimore (28 Md. 356) 2798
- *v.* Delaware & R. Canal Co. (14 How. [U. S.] 80, 90) 494
- *v.* Del. &c. Canal Co. (1 Wall. Jr. C. C. R. 275) 143
- Rung *v.* Shoneberger (2 Watts [Pa.] 23; 26 Am. Dec. 95) 1751, 1752, 1890, 1897
- Runyan *v.* Coster's Lessee (14 Pet. [U. S.] 122) 1567
- Runyon *v.* Bordine (14 N. J. L. 472) 1784, 1787, 1788
- Rupp, Matter of (33 N. Y. App. Div. 468; 53 N. Y. Supp. 927) 675
- *v.* Burgess (70 N. J. L. 7; 56 Atl. 166) 1813, 3028, 3030
- Ruppenthal *v.* St. Louis (190 Mo. 213; 88 S. W. 612) 2973
- Ruppert *v.* Baltimore (23 Ind. 184) 1250
- Ruprecht *v.* New York (102 N. Y. App. Div. 309; 92 N. Y. Supp. 421) 2813
- Rural Cemetery *v.* County Commissioners (152 Mass. 408; 25 N. E. 618) 2446
- Rural Home Tel. Co. *v.* Kentucky & I. Tel. Co. (128 Ky. 209; 107 S. W. 787) 1942, 1974, 1992
- Rusch *v.* Davenport (6 Iowa, 443) 2972, 2993, 3004
- *v.* Des Moines County (1 Woolw. C. C. 313) 31
- *v.* Dubuque (116 Iowa, 402; 90 N. W. 80) 2820
- Ruscomb Street (30 Pa. Super. Ct. 476; s. c. 33 Pa. Super. Ct. 148) 1844
- Rush County *v.* Dinwiddie (139 Ind. 128; 37 N. E. 795) 1578
- Rusher *v.* Aurora (71 Mo. App. 418) 2975, 3002
- *v.* Dallas (83 Tex. 151; 18 S. W. 333) 2884
- Rushville *v.* Adams (107 Ind. 475; 8 N. E. 292; 57 Am. Rep. 124) 2977, 2978
- *v.* Rushville Nat. Gas Co. (132 Ind. 575; 28 N. E. 853; 15 L. R. A. 321) 905, 991, 2205, 2230
- *v.* Rushville Nat. Gas Co. (164 Ind. 162; 73 N. E. 87) 2230
- Rushville Gas Co. *v.* Rushville (121 Ind. 206; 23 N. E. 72; 6 L. R. A. 315; 16 Am. St. Rep. 388) 525, 654, 850, 853, 858, 1327, 1344, 1345, 2114
- Rushville School City *v.* Hayes (162 Ind. 193; 70 N. E. 134) 287, 301, 304, 311, 1401, 1547
- Rusk *v.* Berlin (173 Ill. 634; 50 N. E. 1071) 1687, 1690, 1718, 1719, 1741
- Russ *v.* New York (12 N. Y. Leg. Obs. 38) 930
- Russell, Matter of (51 Conn. 577; 50 Am. Rep. 55) 741
- *v.* Burlington (30 Iowa, 262) 2927
- *v.* Canastota (98 N. Y. 496) 2984, 2986
- *v.* Chicago (22 Ill. 285) 677
- *v.* Chicago & M. El. R. Co. (205 Ill. 155; 68 N. E. 727) 1688, 1724, 1731, 1732, 1735, 1740, 1741
- *v.* Columbia (74 Mo. 480; 41 Am. Rep. 325) 3013
- *v.* Devon County (2 D. & E. T. R. 661) 2854, 2855, 2857, 2992
- *v.* Lincoln (200 Ill. 511; 65 N. E. 1088) 1687, 1688, 1690, 1699, 1716, 1718, 1727, 1736, 1741, 1742, 1893, 1896
- *v.* Men of Devon (2 T. R. 661) 767, 2905, 2908
- *v.* Monroe (116 N. Car. 720; 21 S. E. 550; 47 Am. St. Rep. 823) 2999



## TABLE OF CASES CITED

371

[References are to pages]

Russell v. New Haven (51 Conn. 259)	2396	Rutter v. Chapman (8 M. & W. 1)	81
— v. New York (2 Denio [N. Y.] 461)	2847, 2849, 2850, 2880	Ryan, <i>In re</i> (79 Neb. 414; 112 N. W. 599)	873
— v. Steuben (57 Ill. 35)	2951, 2994	— v. Altschul (103 Cal. 174; 37 Pac. 339)	2454
— v. Tacoma (8 Wash. 156; 35 Pac. 605; 40 Am. St. Rep. 895)	188, 2880, 2892	— v. Boston (118 Mass. 248)	2922
— v. Tate (52 Ark. 541; 13 S. W. 130; 7 L. R. A. 180; 20 Am. St. Rep. 193)	2763, 2766, 2770, 2785	— v. Brown (18 Mich. 196; 100 Am. Dec. 154)	486
— v. The Swift (Newb. R. 553)	504	— v. Central City ([Ky.], 54 S. W. 2)	2429
— v. Toledo (19 Ohio Cir. Ct. R. 418)	2966	— v. Chicago (79 Ill. App. 28)	3014
— v. Wellington (157 Mass. 100; 31 N. E. 630)	866, 867	— v. Copes (11 Rich. [S. Car.] 217)	1038
Russellville v. Edwards (80 Ark. 314; 97 S. W. 57)	977	— v. Curran (64 Ind. 345; 31 Am. Rep. 123)	2980
— v. Purdy (206 Ill. 142; 68 N. E. 1085)	2453	— v. Gallatin County (14 Ill. 83)	2481
— v. White (41 Ark. 485)	998, 1004	— v. Handley (43 Wash. 232; 86 Pac. 398)	815
Russie v. Brazzell (128 Mo. 93; 30 S. W. 526; 49 Am. St. Rep. 542)	656, 658	— v. Leavenworth County (30 Kan. 185; 2 Pac. 156)	2787
Rust v. Boston Mill Corp. (6 Pick. [Mass.] 158)	503	— v. New York (177 N. Y. 271; 69 N. E. 599)	211
Ruston v. Perkins (114 La. 851; 38 So. 583)	1111	— v. Paterson (66 N. J. L. 533; 49 Atl. 587)	459, 1206, 1222, 1224
Rutgers v. New Brunswick (42 N. J. L. 51)	243, 259, 280	— v. People (207 Ill. 74; 69 N. E. 638)	1217
Rutgers College v. Morgan (70 N. J. Law, 460; 57 Atl. 250)	253, 259, 278	— v. Preston (59 N. Y. App. Div. 97; 69 N. Y. Supp. 100)	1819
Rutgers College Athletic Assoc. v. New Brunswick (55 N. J. L. 279; 26 Atl. 87)	904, 907, 908	Ryce v. Osage (88 Iowa, 558; 55 N. W. 532)	900, 919
Ruth v. Omaha (82 Neb. 846; 118 N. W. 1084)	2996	Rychlicki v. St. Louis (98 Mo. 497; 11 S. W. 1001; 14 Am. St. Rep. 651)	3044, 3047
Rutherford v. Hamilton (97 Mo. 543; 11 S. W. 249)	271, 280, 298, 870, 2527, 2617	— v. St. Louis (115 Mo. 662; 22 S. W. 908)	3043
— v. Heddens (82 Mo. 388)	257, 280, 284	Ryder v. Railroad Co. (13 Ill. 523)	442
— v. Holly (105 N. Y. 632; 11 N. E. 818)	3044	Ryder's Estate v. Alton (175 Ill. 94; 51 N. E. 821)	877, 880, 881, 2453, 2615
— v. Hudson River Traction Co. (73 N. J. L. 227; 63 Atl. 84)	1946, 1953, 1954, 1957, 2238	Ryerson v. Laketon (52 Mich. 509; 18 N. W. 241)	2460
— v. Swink (96 Tenn. 564; 35 S. W. 554)	893, 920	— v. Passaic (38 N. J. L. 171)	2601
— v. Taylor (38 Mo. 315)	1753, 1758, 1791	Rylands v. Fletcher (3 H. L. Cas. 330)	3045
Rutherford's Case (72 Pa. St. 82; 13 Am. Rep. 655)	1637	Sachra v. Manilla (120 Iowa, 562; 95 N. W. 198)	3001
Rutland Electric Light Co. v. Marble City Electric Light Co. (65 Vt. 377; 26 Atl. 635; 36 Am. St. Rep. 868)	1985, 1987, 2149, 2150	Sachs v. Sioux City (109 Iowa, 224; 80 N. W. 336)	1767, 2818
Rutland R. Co. v. Central Vt. R. Co. (63 Vt. 12; s. c. 159 U. S. 630)	2338	Sackett v. New Albany (88 Ind. 473; 45 Am. Rep. 467)	350, 357, 358, 364, 2763, 2765
		Sackett, Douglas and De Graw Streets, <i>In re</i> (74 N. Y. 95)	1771, 2498
		Sacramento v. Clunie (120 Cal. 29; 52 Pac. 44)	1740, 1745, 1746, 1903
		— v. Crocker (16 Cal. 119)	2469, 2473

[References are to pages]

- Sacramento v. Dillman* (102 Cal. 107; 36 Pac. 385) 945  
 — *v. Kirk* (7 Cal. 419) 1173, 1237, 1513  
 — *v. Steamer* (4 Cal. 41) 515  
*Sacramento County v. Southern Pac. Co.* (127 Cal. 217; 59 Pac. 568, 825) 1903  
*Sacramento Paving Co. v. Anderson* (1 Cal. App. 672; 82 Pac. 1069) 910  
*Sacramento Sinking Fund Com'rs v. Sacramento* (71 Cal. 310; 12 Pac. 224) 2394  
*Saddle River v. Garfield Water Co.* ([N. J.], 32 Atl. 978) 2141  
*Sadler v. Evans* (4 Burr. 1984) 748  
*Sadler v. New York City* (185 N. Y. 408; 78 N. E. 272, aff'g 104 N. Y. App. Div. 82; 93 N. Y. Supp. 579) 1831, 1835  
*Safety Insulated Wire and Cable Co. v. Baltimore* (25 U. S. App. 166) 68, 464  
 — *v. Baltimore* (66 Fed. Rep. 140) 2134  
*Safford v. Drew* (3 Duer [N. Y.] 627) 3006  
*Sage v. Brooklyn* (89 N. Y. 189) 1661, 1662  
 — *v. New York* (154 N. Y. 61; 47 N. E. 1096; 61 Am. St. Rep. 592) 475, 488, 497, 500  
 — *v. Plattsmouth* (48 Neb. 558; 67 N. W. 455) 616  
*Saginaw v. McKnight* (106 Mich. 32; 63 N. W. 985) 931, 996, 2462  
 — *v. Saginaw Circuit Judge* (106 Mich. 32; 63 N. W. 985) 931, 996, 2462  
 — *v. Swift El. L. Co.* (113 Mich. 660; 72 N. W. 6) 2061, 2074, 2075  
*Saginaw Gas Light Co. v. Saginaw* (28 Fed. Rep. 529) 1921, 2142, 2159  
*St. Albans v. Noble* (56 Vt. 525) 3047  
*St. Amand v. Lehman* (120 Ga. 253; 47 S. E. 949) 2308  
*St. Anna's Asylum v. Parker* (109 La. 592; 33 So. 613) 2379  
*St. Anthony v. Brandon* (10 Idaho, 205; 77 Pac. 322) 909, 930, 931, 1019  
*St. Bernard v. Kemper* (60 Ohio St. 244; 54 N. E. 267; 45 L. R. A. 662) 2597  
*St. Catharines v. Gardner* (20 Upper Can. C. P. 107; s. c. in appeal, 21 Upper Can. C. P. 190) 1793  
*St. Charles v. Deemar* (174 Mo. 122; 73 S. W. 469) 2527  
 — *v. Hackman* (133 Mo. 634; 34 S. W. 878) 2463  
*St. Charles v. Meyer* (58 Mo. 86) 968, 986, 1109  
 — *v. Nolle* (51 Mo. 122; 11 Am. Rep. 440) 964, 1767, 1801, 1855, 2317  
 — *v. O'Malley* (18 Ill. 407) 877, 948  
 — *v. Rogers* (49 Mo. 530) 2793  
 — *v. Stookey* (154 Fed. Rep. 772) 2296  
*St. Charles County v. Powell* (22 Mo. 525; 66 Am. Dec. 637) 1899  
*St. Charles Tp. School Dir. v. Goerges* (50 Mo. 194) 1899  
*St. Clair v. Cox* (106 U. S. 350) 2353  
*St. Clair County v. Interstate S. & C. Transfer Co.* (192 U. S. 454) 518, 2337  
 — *v. Keller* (85 Ill. 396) 2647  
*St. Clair County Turnpike Co. v. Illinois* (96 U. S. 63, aff'g 82 Ill. 174) 1803, 1970, 2050, 2058, 2060, 2150  
*St. Cloud v. Water, Light & Power Co.* (88 Minn. 329; 92 N. W. 1112) 2140, 2178, 2180, 2181, 2182  
*St. Columba's Church v. North Jersey St. R. Co.* ([N. J. Eq.], 70 Atl. 692) 1795, 1965, 1967, 1992  
*St. Croix County v. Webster* (111 Wis. 270; 87 N. W. 302) 2785  
*St. Francis Levee Dist. v. Bodkin* (108 Tenn. 700; 69 S. W. 270) 1585  
*St. George's Vestry v. Sparrow* (16 C. B. N. s. 209) 1882  
*St. Germain v. Fall River* (177 Mass. 550; 59 N. E. 447) 2910, 2912, 2960, 3001  
*St. Helena v. Burton* (35 La. An. 521) 679, 680  
*St. Helena Water Co. v. Forbes* (62 Cal. 182; 45 Am. Rep. 659) 2117  
*St. Helen's Chemical Co. v. St. Helen's Corporation* (L. R. 1 Ex. Div. 196) 1035  
*St. John v. East St. Louis* (50 Ill. 92) 2503, 2544  
 — *v. New York* (3 Bosw. [N. Y.] 483) 1075, 1857  
 — *v. New York* (6 Duer [N. Y.] 315) 1073  
*St. Johns v. McFarlan* (33 Mich. 72) 1107  
*St. Johnsbury v. Thompson* (59 Vt. 300; 9 Atl. 571; 59 Am. Rep. 731) 448, 450, 902, 997, 1004  
*St. Johnsville v. Smith* (184 N. Y. 341; 77 N. E. 617; 5 L. R. A. n. s. 922, rev'g 90 N. Y. App. Div. 618; 85 N. Y. Supp. 1149) 1675  
*St. Joseph v. Anthony* (30 Mo. 537) 2527, 2632

# TABLE OF CASES CITED

373

[References are to pages]

St. Joseph v. Crowther (142 Mo. 155; 43 S. W. 786) 1663	St. Louis v. Clemens (52 Mo. 133) 2404, 2441, 2641
— v. Ernst (95 Mo. 360; 8 S. W. 558) 2386, 2462, 2463, 2472	— v. Consolidated Coal Co. (113 Mo. 83; 20 S. W. 699) 2387, 2470
— v. Geiwitz (148 Mo. 210; 49 S. W. 1000) 1669, 1682	— v. Consolidated Coal Co. (158 Mo. 342; 59 S. W. 103; 81 Am. St. Rep. 310) 513
— v. Hamilton (43 Mo. 282) 1651	— v. Cooks (37 Mo. 44) 2477
— v. Hannibal & St. J. R. Co. (39 Mo. 476) 2418	— v. De Lassus (205 Mo. 578; 104 S. W. 12) 972
— v. Landis (54 Mo. App. 315) 2614	— v. De Noue (44 Mo. 136) 2479, 2632
— v. O'Donoghue (31 Mo. 345) 2493, 2573	— v. Door (145 Mo. 466; 41 S. W. 1094; 46 S. W. 976; 68 Am. St. Rep. 575) 115, 273, 320, 1060
— v. Owen (110 Mo. 445; 19 S. W. 713) 2386, 2503	— v. Eters (36 Mo. 456) 461
— v. Saville (39 Mo. 460) 2418	— v. Fisher (167 Mo. 654; 67 S. W. 872; 99 Am. St. Rep. 614, aff'd 194 U. S. 631) 932
— v. Schulz (132 Mich 213; 93 N. W. 432) 1686, 1687	— v. Fitz (53 Mo. 582) 930, 980
St. Joseph's Asylum, <i>In re</i> (69 N. Y. 353) 2575	— v. Foster (52 Mo. 513) 873, 902, 905, 948, 949
St. Joseph County v. Coffenbury (1 Mich. 355) 683	— v. Franks (78 Mo. 41) 1659
— v. South Bend & M. St. R. Co. (118 Ind. 68; 20 N. E. 499) 1963	— v. Gleason (93 Mo. 33; 8 S. W. 348; s. c. 89 Mo. 67) 1646
St. Joseph Township v. Rogers (16 Wall. [U. S.] 644) 576, 581, 654, 657, 1350, 1385, 1414, 1420, 1425, 1437, 1439, 1461, 1462, 1466, 1479, 1525, 1529, 1536	— v. Gloner (210 Mo. 502; 109 S. W. 30; 15 L. R. A. n. s. 973) 1853
St. Joseph & D. C. R. Co. v. Buchanan County Ct. (39 Mo. 485) 466, 1534	— v. Gorman (29 Mo. 593; 77 Am. Dec. 586) 1561
St. Louis v. Alexander (23 Mo. 483) 128, 445, 448, 580, 582, 948, 1533	— v. Grafeman Dairy Co. (190 Mo. 492; 89 S. W. 617; 1 L. R. A. n. s. 936) 909, 986, 2386
— v. Allen (13 Mo. 400) 80, 181, 618, 2425, 2483, 2484	— v. Green (70 Mo. 562; s. c. 7 Mo. App. 468) 1850, 1854, 2386, 2387, 2472, 2473, 2721
— v. Allen (53 Mo. 44) 2527, 2595	— v. Grove (46 Mo. 574) 999
— v. Armstrong (56 Mo. 298) 1195	— v. Gurno (12 Mo. 414) 1821, 2926, 2932, 3047
— v. Babcock (156 Mo. 148; 56 S. W. 732) 1100	— v. Heitzeberg Packing Co. (141 Mo. 375; 42 S. W. 954; 64 Am. St. Rep. 516) 1035, 1052, 1054
— v. Bell Tel. Co. (96 Mo. 623; 10 S. W. 197; 2 L. R. A. 278; 9 Am. St. Rep. 370) 450, 1930, 2230	— v. Hill (116 Mo. 527; 22 S. W. 861; 21 L. R. A. 226) 1060
— v. Bentz (11 Mo. 61) 926, 968, 1099	— v. Howard (119 Mo. 41, 47; 24 S. W. 770, 772; 41 Am. St. Rep. 630) 1048, 1050, 1061
— v. Boatmen's Ins. & T. Co. (47 Mo. 150) 2462	— v. Independent Ins. Co. of Mass. (47 Mo. 146) 2424
— v. Boffinger (19 Mo. 13) 902, 1031	— v. Jackson (25 Mo. 37) 1073, 1077
— v. Bowler (94 Mo. 630; 7 S. W. 434) 2387, 2471	— v. Kansas City (110 Mo. App. 653; 85 S. W. 630) 2998
— v. Bucher (7 Mo. App. 169) 2463	— v. Knox (74 Mo. 79) 977, 981
— v. Brown (155 Mo. 545; 56 S. W. 298) 2577, 2578	— v. Koch (169 Mo. 587; 70 S. W. 143) 2610
— v. Cafferata (24 Mo. 94) 926, 968, 972, 1095	— v. Kreutz (12 Mo. App. 591) 1049
— v. Cleland (4 Mo. 84) 1185	— v. Laughlin (49 Mo. 559) 2396, 2399, 2468, 2475
— v. Clemens (36 Mo. 467) 2479, 2493, 2584, 2595, 2596, 2627, 2628, 2632	— v. Liessing (190 Mo. 464; 89 S. W. 611; 1 L. R. A. n. s. 918; 109 Am. St. Rep. 774) 909, 986, 2386
— v. Clemens (43 Mo. 395) 461, 1278	
— v. Clemens (49 Mo. 552) 2527, 2563, 2585	

[References are to pages]

- St. Louis *v.* McCann (157 Mo. 301; 57 S. W. 1016) 2468  
 — *v.* McCoy (18 Mo. 238) 1031  
 — *v.* Manufacturers' Sav. Bank (49 Mo. 574) 902  
 — *v.* Meier (77 Mo. 13) 1697  
 — *v.* Merton (6 Mo. 476) 1594  
 — *v.* Missouri Pac. R. Co. (114 Mo. 13; 21 S. W. 202) 1899  
 — *v.* Newman (45 Mo. 138) 1902, 2480  
 — *v.* Ranken (96 Mo. 497; 9 S. W. 910) 2363, 2607, 2609  
 — *v.* Richeson (76 Mo. 470) 2369  
 — *v.* Roche (128 Mo. 541; 31 S. W. 915) 979  
 — *v.* Russell (9 Mo. 507) 80, 181, 618, 2425, 2483, 2484  
 — *v.* Russell (116 Mo. 248; 22 S. W. 470) 935, 941, 1049, 1050, 1061  
 — *v.* St. Louis Gaslight Co. (70 Mo. 69) 2157, 2188, 2194  
 — *v.* St. Louis Gaslight Co. (5 Mo. App. 484) 1140  
 — *v.* St. Louis R. Co. (50 Mo. 94) 2419  
 — *v.* St. Louis R. Co. (89 Mo. 44; 1 S. W. 305; 58 Am. Rep. 82) 988, 1093, 2067  
 — *v.* St. Louis Theatre Co. (202 Mo. 690; 100 S. W. 627) 928, 929, 989, 1066, 1068  
 — *v.* St. Louis University (88 Mo. 155) 1724, 1731  
 — *v.* Schnuckelburg (7 Mo. App. 536) 2790  
 — *v.* Schoenbusch (95 Mo. 618; 8 S. W. 791) 1099, 1103, 1109  
 — *v.* Schoenemann (52 Mo. 348) 2638  
 — *v.* Shields (52 Mo. 351) 177, 195, 513  
 — *v.* Shields (62 Mo. 247) 121, 122, 134, 334, 1420  
 — *v.* Smith (2 Mo. 113) 1014, 1016  
 — *v.* Smith (10 Mo. 438) 980, 981  
 — *v.* Spiegel (75 Mo. 145) 2387, 2461, 2462, 2470, 2471  
 — *v.* Spiegel (90 Mo. 587; 2 S. W. 839) 2387  
 — *v.* Steinberg (69 Mo. 289) 2387, 2471  
 — *v.* Steinberg (4 Mo. App. 453) 2468  
 — *v.* Sullivan (8 Mo. App. 455) 1112  
 — *v.* United Railways Co. (210 U. S. 266) 2419, 2443, 2462, 2476  
 — *v.* Vert (84 Mo. 204) 976  
 — *v.* Von Phul (133 Mo. 561; 34 S. W. 843; 54 Am. St. Rep. 695) 1266, 1267  
 St. Louis *v.* Weber (44 Mo. 547) 929, 942, 1073, 1077, 1078  
 — *v.* Weitzel (130 Mo. 600; 31 S. W. 1045) 133, 908, 909, 933, 977, 981, 1000, 1025, 1850, 2387, 2472, 2473  
 — *v.* Western Un. Tel. Co. (148 U. S. 92; s. c. on re-hearing, 149 U. S. 465, rev'g 39 Fed. Rep. 59; s. c. on re-trial, 63 Fed. Rep. 68) 112, 116, 1003, 1924, 1926, 2060, 2070, 2072, 2074, 2075  
 — *v.* Wiggins Ferry Co. (11 Wall. [U. S.] 423) 2311, 2407, 2408, 2417, 2418  
 — *v.* Wiggins Ferry Co. (40 Mo. 580) 2408, 2418  
 — *v.* Wiley (8 Mo. App. 597) 1112  
 — *v.* Withaus (16 Mo. App. 247, aff'd 90 Mo. 646) 832  
 — *v.* Woodruff (4 Mo. App. 169) 999  
 — *v.* Wright Cont. Co. (202 Mo. 451; 101 S. W. 6; 119 Am. St. Rep. 810) 1264  
 St. Louis & S. F. R. Co. *v.* Fayetteville (75 Ark. 534; 87 S. W. 1174) 1613, 1616  
 — *v.* Gill (156 U. S. 649; 11 L. R. A. 452) 2226, 2228, 2248, 2251, 2257, 2260, 2448  
 — *v.* Gordon (157 Mo. 71; 57 S. W. 742) 1615, 1617, 1702, 1703  
 — *v.* Hadley (155 Fed. Rep. 220) 2254, 2257  
 — *v.* Hadley (168 Fed. Rep. 317) 2250, 2290  
 — *v.* Labette County (63 Kan. 889; 66 Pac. 1045) 2830  
 St. Louis, A. & C. R. Co. *v.* Dalby (19 Ill. 353) 90  
 St. Louis, A. & T. H. R. Co. *v.* Belleville (122 Ill. 376; 12 N. E. 680) 1837, 2068  
 St. Louis Brewing Assoc. *v.* St. Louis (140 Mo. 419; 37 S. W. 525; 41 S. W. 911) 2134, 2210, 2212, 2216, 2223, 2386  
 — *v.* St. Louis (168 Mo. 37; 67 S. W. 563) 1652  
 St. Louis Bridge Co. *v.* East St. Louis (121 Ill. 238; 12 N. E. 723) 601, 2408, 2426  
 — *v.* People (125 Ill. 226; 17 N. E. 468) 1815, 2612  
 St. Louis B. & Sav. Assoc. *v.* Lightner (47 Mo. 393) 2444  
 St. Louis County Court *v.* Griswold (58 Mo. 175) 159, 610, 1620, 1635, 1637, 1641, 1642, 1746  
 — *v.* Sparks (10 Mo. 117; 45 Am. Dec. 355) 2668, 2669  
 St. Louis Gas Co. *v.* St. Louis (46 Mo. 141) 621

## TABLE OF CASES CITED

375

[References are to pages]

- St. Louis Hospital *v.* Williams, Administrator (19 Mo. 609) 609  
 St. Louis, I. M. & S. R. Co. *v.* Berry (113 U. S. 465) 2450  
 — *v.* Cady (67 Ark. 512; 55 S. W. 929) 441  
 — *v.* Loftin (98 U. S. 555) 2445  
 — *v.* Magness (68 Ark. 289; 57 S. W. 933) 441  
 — *v.* Petty (57 Ark. 359; 21 S. W. 884) 1632  
 — *v.* St. Paul (173 U. S. 404) 207  
 St. Louis, K. & N. W. Co. *v.* St. Louis Union S. Y. Co. (120 Mo. 541; 25 S. W. 399) 487  
 St. Louis, O. H. & C. R. Co. *v.* Fowler (142 Mo. 670; 44 S. W. 771) 1410  
 St. Louis Public Schools *v.* St. Louis (26 Mo. 468) 2573, 2578  
 St. Louis Quarry & Const. Co. *v.* Frost (90 Mo. App. 677) 1217, 1261  
 — *v.* Von Versen (81 Mo. App. 519) 211, 1216  
 St. Louis S. W. R. Co. *v.* Grayson (72 Ark. 119; 78 S. W. 777) 2370  
 — *v.* Red River Levee Dist. (81 Ark. 562; 99 S. W. 843) 2375  
 St. Louis, V. & T. H. R. Co. *v.* Capps (67 Ill. 607) 2010  
 St. Louis, V. & T. H. R. Co. *v.* Haller (82 Ill. 208) 1972  
 — *v.* Surrell (88 Ill. 535) 2424  
 St. Luke's Church *v.* Slack (7 Cush. [Mass.] 226) 885, 886, 2648, 2707  
 St. Martin's *v.* Gordon (L. R. 1 Q. B. D. 61) 1024  
 St. Martinsville *v.* Steamer Mary Lewis (32 La. An. 1293) 474, 510  
 St. Mary's *v.* Jacobs (L. R. 7 Q. B. 53) 1699  
 St. Mary's College *v.* Crowl (10 Kan. 442) 2446  
 St. Mary's Gas Co. *v.* Elk County (191 Pa. 458; 43 Atl. 321) 2590  
 St. Mary's Industrial School *v.* Brown (45 Md. 310) 2399, 2763, 2769  
 St. Paul *v.* Briggs (85 Minn. 290; 88 N. W. 984; 89 Am. St. Rep. 554) 453  
 St. Paul *v.* Butler (30 Minn. 459; 16 N. W. 362) 1265  
 — *v.* Byrnes (38 Minn. 176; 36 N. W. 449) 1049  
 — *v.* Chicago, M. & St. P. R. Co. (45 Minn. 387; 48 N. W. 17) 1899  
 — *v.* Chicago, M. & St. P. R. Co. (63 Minn. 330; 63 N. W. 267; 65 N. W. 649; 68 N. W. 458; 34 L. R. A. 184) 479, 508, 1759, 1973, 1974, 1982, 1983  
 St. Paul *v.* Colter (12 Minn. 41; 90 Am. Dec. 278) 137, 901, 934, 943, 1073, 1078  
 — *v.* Dow (37 Minn. 20; 32 N. W. 860; 5 Am. St. Rep. 811) 996, 998  
 — *v.* Gilfillan (36 Minn. 298; 31 N. W. 49) 1035, 1038, 1055  
 — *v.* Haughbro (93 Minn. 59; 100 N. W. 470; 106 Am. St. Rep. 427) 1055  
 — *v.* Johnson (69 Minn. 184; 72 N. W. 64) 1056  
 — *v.* Kirby (8 Minn. 154) 2993  
 — *v.* Laidler (2 Minn. 190; 72 Am. Dec. 89) 1078  
 — *v.* Marvin (16 Minn. 102) 2793  
 — *v.* Mullen (27 Minn. 78) 2637  
 — *v.* Schleh (101 Minn. 425; 112 N. W. 532; 118 Am. St. Rep. 638) 1107  
 — *v.* Seitz (3 Minn. 297; 74 Am. Dec. 753) 2993, 3023, 3027  
 — *v.* Smith (27 Minn. 364; 7 N. W. 734; 38 Am. Rep. 296) 1048, 1049, 1083, 1854  
 — *v.* Stoltz (33 Minn. 233; 22 N. W. 634) 1009  
 — *v.* Traeger (25 Minn. 248; 33 Am. Rep. 462) 996, 998, 1009, 1078, 1079  
 — *v.* Troyer (3 Minn. 291) 1015  
 St. Paul & D. R. Co. *v.* Duluth (56 Minn. 494; 58 N. W. 159; 23 L. R. A. 88; 45 Am. St. Rep. 491) 3047  
 — *v.* Duluth (73 Minn. 270; 76 N. W. 35; 43 L. R. A. 433) 1727  
 St. Paul & Pac. R. Co. *v.* Schurmeir (7 Wall. [U. S.] 272) 483, 487, 508, 1700  
 St. Paul Gaslight Co. *v.* St. Paul (181 U. S. 142) 2149  
 — *v.* St. Paul (78 Minn. 39; 80 N. W. 774, 877) 2293  
 — *v.* Sandstone (73 Minn. 225; 75 N. W. 1050) 121, 122, 1369, 1401, 1475  
 St. Paul, M. & M. R. Co. *v.* Minneapolis (35 Minn. 141; 27 N. W. 500) 1613, 1649, 1820  
 St. Paul's Par. Poor Com'rs *v.* Lynah (2 McCord [S. Car.] 170) 2651  
 St. Paul People's Bank *v.* School Dist. (3 N. Dak. 496; 57 N. W. 787) 1547  
 St. Paul Union Depot Co. *v.* St. Paul (30 Minn. 359; 15 N. W. 684) 1614  
 St. Paul Water Co. *v.* Ware (16 Wall. [U. S.] 566) 3027  
 St. Peter *v.* Bauer (19 Minn. 327) 1118, 1125, 1136



[References are to pages]

- St. Peter v. Denison* (58 N. Y. 416; 17 Am. Rep. 258) 2919, 2923  
*St. Peter's Church v. Scott County* (12 Minn. 395) 2444  
*St. Peter's Episcopal Church v. Washington* (109 N. Car. 21; 13 S. E. 700) 990  
*St. Tammany Water-Works Co. v. New Orleans Water-Works* (120 U. S. 64) 2158  
*St. Vincent v. Grier* (13 Grant [Up. Can.] 173) 566  
*St. Vincent Orphan Asylum v. Troy* (76 N. Y. 108; 32 Am. Rep. 286) 1839, 1897  
*Saks v. Birmingham* (120 Ala. 190; 24 So. 728) 2473  
*Salamanca v. Wilson* (109 U. S. 627) 2703  
*Salem v. Anson* (40 Oreg. 339; 67 Pac. 190; 91 Am. St. Rep. 485) 1962  
—— *v. Eastern R. Co.* (98 Mass. 431; 96 Am. Dec. 650) 555, 1035, 1039, 1047  
—— *v. Goller* (76 Ind. 291) 3002  
—— *v. Maynes* (123 Mass. 372) 1104  
—— *v. Wachovia Loan & Tr. Co.* (143 N. Car. 110; 55 S. E. 442) 862  
—— *v. Walker* (16 Ind. App. 687; 46 N. E. 90) 2999  
—— *v. Webster* 192 Ill. 369; 61 N. E. 323) 2963, 2971, 2998  
*Salem Lyceum v. Salem* (154 Mass. 15; 27 N. E. 672) 2446  
*Salem Mill Dam v. Ropes* (6 Pick. [Mass.] 23) 76  
*Salem Turnpike, &c. Corp. v. Essex County* (100 Mass. 282) 149  
*Salem Water Co. v. Salem* (5 Oreg. 29) 359, 360  
*Saleno v. Neosho* (127 Mo. 627; 30 S. W. 190; 27 L. R. A. 769; 48 Am. St. Rep. 653) 362, 911  
*Salida v. McKinna* (16 Colo. 523; 27 Pac. 810) 1727, 1730  
*Salina v. Kerr* (7 Kan. App. 223; 52 Pac. 901) 3020  
—— *v. Seitz* (16 Kan. 143) 1013  
—— *v. Trosper* (27 Kan. 544) 3015  
*Saline County v. Anderson* (20 Kan. 298; 27 Am. Rep. 171) 745  
*Salisbury v. Andrews* (128 Mass. 336) 1885  
—— *v. Herchenroder* (106 Mass. 458; 8 Am. Rep. 354) 2988  
—— *v. Powe* (6 Jones [N. Car.] Law, 134) 1031  
*Sallee v. St. Louis* (152 Mo. 615; 54 S. W. 463) 2840  
*Salliotte v. King Bridge Co.* (122 Fed. Rep. 378) 497  
*Salmon v. Haynes* (50 N. J. L. 97; 11 Atl. 151) 646, 870  
*Salmon v. Rural Ind. School Dist.* (125 Fed. Rep. 235) 1474, 1475, 1505  
*Saloy v. New Orleans* (33 La. An. 79) 467  
*Salsbury v. Gaskin* (66 N. J. L. 111; 48 Atl. 531) 1799  
—— *v. Philadelphia* (44 Pa. St. 303) 1186  
*Salter v. Reed* (15 Pa. 260) 2488  
*Salt Lake City v. Hollister* (118 U. S. 256, aff'g s. c. 3 Utah, 200; 2 Pac. 200) 1180, 2853, 2878, 2879  
—— *v. Smith* (104 Fed. Rep. 457) 1228, 1229, 1230  
—— *v. Wagner* (2 Utah, 400) 1014  
*Saltonstall v. Banker* (8 Gray [Mass.] 195) 1039  
*Salvin v. North Brancepeth Coal Co.* (L. R. 9 Ch. App. 705) 1036  
*Salzer v. Milwaukee* (97 Wis. 471; 73 N. W. 20) 2967  
*Salzman v. New Haven* (81 Conn. 389; 71 Atl. 500; 22 L. R. A. n. s. 333) 2919, 3045  
*Samis v. King* (40 Conn. 298) 644, 677, 743, 879, 2734  
*Samish Boom Co. v. Callvert* (27 Wash. 611; 68 Pac. 367) 1618  
*Sammins v. Wilhelm* (6 Ohio Cir. Ct. Rep. 565) 2985  
*Sammons v. Gloversville* (175 N. Y. 346; 67 N. E. 622) 2814, 3037, 3053  
—— *v. Kearney Power & Irr. Co.* (77 Neb. 580; 110 N. W. 308; 8 L. R. A. n. s. 404) 2205, 2206  
*Sample v. Hale* (34 Neb. 220; 51 N. W. 837) 1266  
—— *v. Pittsburg* (212 Pa. 533; 62 Atl. 201) 270, 308, 311, 316  
*Sampson v. Goochland County* (5 Gratt. [Va.] 241) 1833  
*Sams v. Toronto* (9 Upper Can. Q. B. 181) 609  
*Samuels v. Nashville* (3 Sneed [Tenn.] 298) 1753, 1787, 1866  
*Samyn v. McCloskey* (2 Ohio St. 536) 3031  
*San Antonio v. Barnes* (96 U. S. 315) 1420  
—— *v. Berry* (92 Tex. 319; 48 S. W. 496) 893  
—— *v. Diaz* ([Tex. Civ. App.], 62 S. W. 549) 3037  
—— *v. French* (80 Tex. 575; 16 S. W. 440; 26 Am. St. Rep. 763) 1184  
—— *v. Gould* (34 Tex. 76) 1185  
—— *v. Jones* (28 Tex. 19) 570  
—— *v. Lane* (32 Tex. 405) 1350, 1544  
—— *v. Lewis* (9 Tex. 69) 884, 1173



# TABLE OF CASES CITED

377

[References are to pages]

<b>San Antonio v. Lewis</b> (15 Tex. 388) 1758	<b>San Diego Land Co. v. Neale</b> (88 Cal. 50; 25 Pac. 977; s. c. 78 Cal. 63; 20 Pac. 372) 1634, 1674, 1675
— <b>v. Mackey</b> (14 Tex. Civ. App. 210; 36 S. W. 760) 2874	<b>San Diego Water Co. v. San Diego</b> (59 Cal. 517) 1192
— <b>v. Mackey's Estate</b> (22 Tex. Civ. App. 145; 54 S. W. 33) 3019	— <b>v. San Diego</b> (118 Cal. 556; 50 Pac. 633; 38 L. R. A. 460; 62 Am. St. Rep. 261) 2117, 2227, 2234, 2236, 2248, 2251, 2254, 2265, 2269, 2275, 2276, 2277, 2283, 2284, 2286, 2288, 2289
— <b>v. Marshall Co.</b> ([Tex. Civ. App.], 85 S. W. 315) 1242	<b>San Francisco v. Broderick</b> (125 Cal. 188; 57 Pac. 887) 325, 2394, 2395
— <b>v. Mehaffy</b> (96 U. S. 312) 1420, 1461	— <b>v. Burr</b> ([Cal.], 36 Pac. 771) 1722
— <b>v. Micklejohn</b> (89 Tex. 79; 33 S. W. 735) 735, 895, 900	— <b>v. Burr</b> (108 Cal. 460; 41 Pac. 482) 1835
— <b>v. Mullaly</b> (11 Tex. Civ. App. 599; 33 S. W. 256) 2929	— <b>v. Calderwood</b> (31 Cal. 585; 91 Am. Dec. 542) 1561, 1703
— <b>v. Pizzini</b> ([Tex. Civ. App.], 58 S. W. 635) 3037	— <b>v. Canavan</b> (42 Cal. 541) 143, 180, 193, 1696, 1698, 1708, 1711, 1743, 1758, 2654
— <b>v. Porter</b> (24 Tex. Civ. App. 444; 59 S. W. 922) 2963, 2969, 3002	— <b>v. Central Pac. R. Co.</b> (63 Cal. 467; 49 Am. Rep. 98) 2418
— <b>v. Rowley</b> (48 Tex. Civ. App. 376; 106 S. W. 753) 1900	— <b>v. Certain Real Estate</b> (42 Cal. 517) 232
— <b>v. Santonio St. R. Co.</b> (15 Tex. Civ. App. 1; 39 S. W. 136) 2065	— <b>v. Grote</b> (120 Cal. 59; 52 Pac. 127; 65 Am. St. Rep. 155) 1703, 1705
— <b>v. Serna</b> (45 Tex. Civ. App. 341; 99 S. W. 875) 787	— <b>v. Hazen</b> (5 Cal. 169) 861
— <b>v. Sullivan</b> (23 Tex. Civ. App. 619; 57 S. W. 42) 1686, 1690, 1740	— <b>v. Holladay</b> (76 Cal. 18; 17 Pac. 942) 1707
— <b>v. Sullivan</b> (23 Tex. Civ. App. 658; 57 S. W. 45) 1671	— <b>v. Kinsman</b> (51 Cal. 92) 2641
— <b>v. Talerico</b> ([Tex. Civ. App.], 78 S. W. 28) 3014	— <b>v. Liverpool &amp; L. &amp; G. Ins. Co.</b> (74 Cal. 113; 15 Pac. 380; 5 Am. St. Rep. 425) 750, 2469
<b>San Antonio &amp; A. P. R. Co. v. Bergsland</b> (12 Tex. Civ. App. 97; 34 S. W. 155) 1983	— <b>v. McGinn</b> (67 Cal. 110; 7 Pac. 187) 2396
— <b>v. Southwestern T. &amp; T. Co.</b> (93 Tex. 313; 55 S. W. 117; 77 Am. St. Rep. 884) 1927	— <b>v. O'Neil</b> (51 Cal. 91) 2641
— <b>v. Wilson</b> (4 Tex. App. 570) 205	— <b>v. Quackenbush</b> (53 Cal. 52) 2455
<b>San Antonio R. T. St. R. Co. v. Limburger</b> (88 Tex. 79; 30 S. W. 533; 53 Am. St. Rep. 730) 2007	— <b>v. Sharp</b> (125 Cal. 534; 58 Pac. 173) 1704
<b>San Antonio Traction Co. v. Altgelt</b> (200 U. S. 304) 2450	— <b>v. Spring V. W. W.</b> (48 Cal. 493) 133, 134, 1700, 1795, 1798
<b>San Diego v. Linda Vista Irr. Dist.</b> (108 Cal. 189; 41 Pac. 291; 35 L. R. A. 33) 2578	— <b>v. Straut</b> (84 Cal. 124; 24 Pac. 814) 475, 1888
— <b>v. San Diego &amp; L. A. R. Co.</b> (44 Cal. 106) 1144, 1147, 1597, 1598	— <b>v. Western Un. Tel. Co.</b> (96 Cal. 140; 31 Pac. 10) 1924, 2348
<b>San Diego Flume Co. v. Souther</b> (90 Fed. Rep. 164; 104 Fed. Rep. 706; 112 Fed. Rep. 228) 2225	<b>San Francisco &amp; F. Land Co. v. Hartung</b> (138 Cal. 223; 71 Pac. 337) 1597
<b>San Diego Land &amp; T. Co. v. Jasper</b> (189 U. S. 439; s. c. 89 Fed. Rep. 274) 2227, 2250, 2260, 2266, 2269, 2275, 2287, 2291	<b>San Francisco &amp; O. R. Co. v. Oakland</b> (53 Cal. 502) 1590
— <b>v. National City</b> (174 U. S. 739, aff'g 74 Fed. Rep. 79) 1605, 2117, 2226, 2229, 2235, 2236, 2248, 2251, 2252, 2266, 2275, 2282, 2284, 2288, 2290	<b>San Francisco Board of Education v. Martin</b> (92 Cal. 209; 28 Pac. 799) 1901
	<b>San Francisco City &amp; County v. Le Roy</b> (138 U. S. 656) 492, 504, 1758
	<b>San Francisco Gas &amp; Elect. Co. v. San Francisco</b> (164 Fed. Rep. 884) 2259, 2260

[References are to pages]

- San Francisco Gas Co. *v.* Brickwedel, (62 Cal. 641) 411, 1178  
 — *v.* Dunn (62 Cal. 580) 464, 2153  
 — *v.* San Francisco (6 Cal. 190) 900  
 — *v.* San Francisco (9 Cal. 453) 1183, 1188, 1190  
 San Francisco Pav. Co. *v.* Bates (134 Cal. 39; 66 Pac. 2) 2525  
 — *v.* Egan (146 Cal. 635; 80 Pac. 1076) 1242, 1820  
 San Francisco Sav. Union *v.* Petroleum & Mining Co. (144 Cal. 134; 77 Pac. 823) 492  
 San Joaquin & K. R. Irr. Co. *v.* Stanislaus County (90 Fed. Rep. 516) 2227, 2257  
 — *v.* Stanislaus County (155 Cal. 21; 99 Pac. 365) 2256, 2288  
 San Jose *v.* Reed (65 Cal. 241; 3 Pac. 806) 1674  
 — *v.* San Jose & S. C. R. Co. (53 Cal. 476) 2420, 2469, 2476  
 San Jose Imp. Co. *v.* Auzeais (106 Cal. 498; 39 Pac. 859) 2454  
 San Juan County *v.* Oliver (7 Colo. App. 515; 44 Pac. 362) 1294  
 San Leandro *v.* Le Breton (72 Cal. 170; 13 Pac. 405) 1561, 1694, 1715, 1723, 1738, 1744, 1747, 1752  
 San Luis Obispo *v.* Fitzgerald (126 Cal. 279; 58 Pac. 699) 902  
 — *v.* Hendricks (71 Cal. 242; 11 Pac. 682) 1022  
 San Luis Obispo County *v.* Greenburg (120 Cal. 300; 52 Pac. 797) 986, 2473  
 San Pedro *v.* Southern Pac. R. Co. (101 Cal. 333; 35 Pac. 993) 449, 514  
 Sanborn *v.* Amarillo (42 Tex. Civ. App. 115; 93 S. W. 473) 1737, 1744, 1747  
 — *v.* Deerfield (2 N. H. 253) 76, 2861  
 — *v.* Mason City (114 Iowa, 189; 86 N. W. 286) 2450  
 — *v.* Minneapolis (35 Minn. 314; 29 N. W. 126) 1693  
 Sanbornton *v.* Tilton (55 N. H. 603; s. c. 53 N. H. 610) 628  
 Sanchez *v.* Fordyce (141 Cal. 427; 75 Pac. 56) 250, 261, 327  
 Sanders *v.* Brown (65 Ark. 498; 47 S. W. 461) 2486, 2565, 2626  
 — *v.* Steele (124 Ala. 415; 26 So. 882) 469  
 Sanderson *v.* Herman (108 Wis. 662; 84 N. W. 890; 85 N. W. 141) 2441, 2538, 2543, 2637, 2641  
 Sandersville *v.* Hurst (111 Ga. 453; 36 S. E. 757) 1727  
 Sandpoint *v.* Doyle (14 Idaho, 749; 95 Pac. 945; 17 L. R. A. N. S. 497) 1835, 2931  
 Sandrock *v.* Columbus (51 Ohio St. 317; 42 N. E. 255) 2530  
 Sands *v.* Edmunds (116 U. S. 585) 2479, 2655  
 — *v.* Richmond (31 Gratt. [Va.] 571; 31 Am. Rep. 742) 2493, 2496, 2564  
 Sandusky *v.* Central City ([Ky.] 22 Ky. Law Rep. 669; 58 S. W. 516) 2301, 2845  
 Sandwich *v.* Queen (10 Q. B. 574) 2716  
 Sandy *v.* St. Joseph (142 Mo. App. 330; 126 S. W. 989) 3044  
 Sandy Lake *v.* Sandy Lake, &c. Gas Co. (16 Pa. Super. Ct. 234) 1190  
 Sandys *v.* Williams (46 Oreg. 327; 80 Pac. 642) 942, 943, 1016, 1019  
 Sanfleet *v.* Toledo (10 Ohio Cir. Ct. 460) 1969  
 Sanford *v.* Augusta (32 Me. 536) 2957, 3005  
 — *v.* Poe (69 Fed. Rep. 546) 2364, 2365  
 — *v.* Prentice (28 Wis. 358) 655, 660  
 — *v.* Tremlett (42 Mo. 384) 632  
 — *v.* Tucson (8 Ariz. 247; 71 Pac. 903) 269, 1646  
 Sanford School District *v.* Lord (44 Me. 374) 886  
 Sangamon & M. R. Co. *v.* Morgan County (14 Ill. 163; 56 Am. Dec. 497) 2408, 2423  
 Sangamon County *v.* Springfield (63 Ill. 66) 144, 177, 178, 186, 625, 627, 1251, 2823, 2824  
 Sanger *v.* Kennebec County (25 Me. 291) 2708  
 Sanitary Dist. *v.* Ray (199 Ill. 63; 93 Am. St. Rep. 102) 334  
 Sank *v.* Philadelphia (1 Pa. Leg. Gas. Rep. 259) 871  
 — *v.* Philadelphia (8 Phila. Rep. 117) 872, 2764  
 Sansom *v.* Mercer (68 Tex. 488; 5 S. W. 62; 2 Am. St. Rep. 505) 2657  
 Santa Ana *v.* Brunner (132 Cal. 234; 64 Pac. 287) 1636, 1674  
 — *v.* Gildmacher (133 Cal. 395; 65 Pac. 883) 1641  
 — *v.* Harlin (99 Cal. 538; 34 Pac. 224) 1632, 1640, 1642, 1643, 1673, 1674  
 Santa Ana Water Co. *v.* San Buenaventura (56 Fed. Rep. 339) 2130, 2239, 2242, 2257, 2258  
 — *v.* San Buenaventura (65 Fed. Rep. 323) 233, 1143, 1147, 1148, 1160  
 Santa Barbara *v.* Davis (142 Cal. 669; 76 Pac. 495) 1558

## TABLE OF CASES CITED

379

[References are to pages]

- Santa Barbara v. Stearns* (51 Cal. 499, 501) 2469
- Santa Clara County v. Southern Pac. R. Co.* (118 U. S. 394) 2423
- *v. Southern Pac. R. Co.* (18 Fed. Rep. 385) 2366, 2466
- Santa Cruz v. Santa Cruz R. R. Co.* (56 Cal. 143) 975
- Santa Cruz Rock Pav. Co. v. Bowie* (104 Cal. 286; 37 Pac. 934) 2595, 2629
- *v. Broderick* (113 Cal. 628; 45 Pac. 863) 1197
- *v. Heaton* (105 Cal. 162; 38 Pac. 693) 900
- Santa Fe County v. Coler* (215 U. S. 296, aff'g 14 N. Mex. 134; 89 Pac. 252) 2673, 2674, 2679, 2692, 2703, 2711
- Santa Rosa v. Bower* (142 Cal. 299; 75 Pac. 829) 114, 115, 431, 660, 661
- *v. Coulter* (58 Cal. 537) 2425, 2431
- Santa Rosa Lighting Co. v. Woodward* (119 Cal. 30; 50 Pac. 1025) 1158, 1222, 1224, 2138, 2763
- Santo v. State* (2 Iowa, 165; 63 Am. Dec. 487) 919
- Sapp, Ex parte* (79 Neb. 781; 113 N. W. 261; 12 L. R. A. n. s. 441) 1111
- Sapulpa v. Sapulpa Oil & Gas Co.* (22 Okla. 347; 97 Pac. 1007) 2161
- Saratoga Elect. R. Co., Matter of* (58 Hun [N. Y.] 287; 12 N. Y. Supp. 318) 1942
- Saratoga Springs v. Saratoga Gas, Elect. L. & P. Co.* (191 N. Y. 123; 83 N. E. 693; 18 L. R. A. n. s. 713, rev'g 122 N. Y. App. Div. 203; 107 N. Y. Supp. 341) 2231, 2233, 2234, 2235
- Sarcoxi v. Wild* (64 Mo. App. 403) 1704
- Sargeant's Heirs v. Ind. State Bank* (4 McLean, 339) 1702
- Sargent v. Cornish* (54 N. H. 18) 1568, 1569, 1576
- *v. Gilford* (66 N. H. 543; 27 Atl. 306) 2814, 2856
- *v. Gorman* (131 N. Y. 191; 29 N. E. 946) 713
- *v. Merrimac* (196 Mass. 171; 81 N. E. 970; 11 L. R. A. n. s. 996; 124 Am. St. Rep. 528) 1634, 1675
- *v. Tuttle* (67 Conn. 162; 34 Atl. 1028; 32 L. R. A. 822) 2484, 2491, 2492, 2627, 2635
- Sarnia v. Great Western R. Co.* (17 Upper Can. Q. B. 65) 1794
- *v. Great Western R. Co.* (21 Upper Can. Q. B. 59) 1793, 1794
- Sarvis v. Caster* (116 Iowa, 707; 89 N. W. 84) 1736
- Sasser v. State* (13 Ohio, 453) 678
- Sater v. Burlington & Mt. P. Pl. R. Co.* (1 Iowa, 393) 1681, 1682
- Satterlee v. Matthewson* (2 Pet. [U. S.] 380) 1526
- *v. San Francisco* (23 Cal. 214) 861, 1590, 2823
- Sauer v. Gillett* (20 Colo. App. 365; 78 Pac. 1068) 1480
- *v. McMurtry* (4 Okla. 447; 46 Pac. 576) 403
- *v. New York* (206 U. S. 536, aff'g 180 N. Y. 27; 72 N. E. 579; s. c. 90 N. Y. App. Div. 36; 85 N. Y. Supp. 636) 1780, 1781, 1782, 1835, 1909, 1994, 2921, 2931
- Saukville v. State* (69 Wis. 178; 33 N. W. 88) 2801
- Saulet v. New Orleans* (10 La. An. 81) 1695, 1713, 1722
- Sauls v. Freeman* (24 Fla. 209; 4 So. 525; 12 Am. St. Rep. 190) 1146
- Saulsbury v. Ithaca* (94 N. Y. 27; 46 Am. Rep. 122) 2984, 2993, 3016
- *v. State* (43 Tex. Crim. Rep. 90; 63 S. W. 568; 96 Am. St. Rep. 837) 2323
- Sault Ste. Marie Co. v. Van Dusan* (40 Mich. 429) 1191, 1284
- Saunders v. Boston* (167 Mass. 595; 46 N. E. 98) 2819
- *v. Chicago* (212 Ill. 206; 72 N. E. 13) 1690, 1720
- *v. Ft. Madison* (111 Iowa, 102; 82 N. W. 428) 2893
- *v. Haynes* (13 Cal. 145) 640
- *v. Iowa City* (134 Iowa, 132; 111 N. W. 529; 9 L. R. A. n. s. 923) 1205
- *v. Lawrence* (141 Mass. 380; 5 N. E. 840) 667
- *v. McLin* (1 Ired. L. [N. Car.] 572) 2457
- *v. New York Cen. & H. R. Co.* (144 N. Y. 75; 38 N. E. 992; 43 Am. St. Rep. 729) 488
- Sautter v. Utica City Nat. Bank* (45 N. Y. Misc. 15; 90 N. Y. Supp. 838, aff'd 119 N. Y. App. Div. 898; 104 N. Y. Supp. 1139) 1881
- Savacool v. Boughton* (5 Wend. [N. Y.] 170; 21 Am. Dec. 181) 774
- Savage v. Bangor* (40 Me. 176; 63 Am. Dec. 658) 2968, 2974
- *v. Gulliver* (4 Mass. 178) 2792
- *v. Matthews* (98 Ala. 535; 13 So. 328) 1283, 1293
- *v. Salem* (23 Oreg. 381; 31

## TABLE OF CASES CITED

[References are to pages]

- Pac. 832; 24 L. R. A. 787; 37  
 Am. St. Rep. 688) 1830, 2900  
 Savage v. Springfield (83 Mo. App.  
 323) 1170, 1192  
 Savanna v. Trusty (98 Ill. App.  
 277) 2971, 3001  
 Savannah v. Charlton (36 Ga. 460) 995,  
 996  
 — v. Cleary (67 Ga. 153) 3054  
 — v. Cooper (131 Ga. 670; 63  
 S. E. 138) 2312  
 — v. Crawford (75 Va. 35) 2786  
 — v. Cullins (38 Ga. 334) 2915  
 — v. Dickey (33 Mo. App. 522) 441  
 — v. Donnelly (71 Ga. 258) 3010  
 — v. Feeley (66 Ga. 31) 2831  
 — v. Grayson (104 Ga. 105; 30  
 S. E. 693) 800  
 — v. Hancock (91 Mo. 54; 3  
 S. W. 215) 1642  
 — v. Hartridge (8 Ga. 23) 995,  
 2400, 2422, 2475  
 — v. Hartridge (37 Ga. 113) 1682  
 — v. Holst (132 Fed. Rep. 901) 918  
 — v. Hussey (21 Ga. 80) 967,  
 968, 1126  
 — v. Jesup (106 U. S. 563) 2457  
 — v. Kelly (108 U. S. 184) 580  
 — v. Spears (66 Ga. 304) 3049, 3054  
 — v. State (4 Ga. 26) 136, 493,  
 2655, 2706  
 — v. Steamboat Co. of Ga. (R.  
 M. Charlt. [Ga.] R. 342) 444, 1694,  
 1723, 1793  
 — v. Vernon Shell Road Co.  
 (88 Ga. 342; 14 S. E. 610) 1615  
 — v. Waldner (49 Ga. 316) 2989,  
 3023, 3026  
 — v. Weed (84 Ga. 683; 11 S.  
 E. 235; 8 L. R. A. 270) 2470  
 — v. Wilson (49 Ga. 476) 1866  
 Savannah & T. R. Co. v. Savannah  
 (45 Ga. 602) 1932, 1991,  
 2002  
 Savannah, A. & G. R. Co. v.  
 Shields (33 Ga. 601) 1790, 1970,  
 1974, 1975, 1990  
 Savannah, F. & W. R. Co. v.  
 Jordan (113 Ga. 687; 39 S. E.  
 511) 120  
 Savannah, T. & I. H. R. Co. v.  
 Savannah (198 U. S. 392) 2419,  
 2465, 2467  
 Savidge v. Spring Lake (112 Mich.  
 91; 70 N. W. 425) 2763  
 Savings & L. Soc. v. Austin (46  
 Cal. 415) 2765  
 Savings Assoc. v. Topeka (3  
 Dillon, 276) 132, 579, 583  
 Savings Bank v. Grace (102 N. Y.  
 313; 7 N. E. 162) 401  
 — v. Winchester (8 Allen [Mass.]  
 109) 1156  
 Savings Fund Society v. Philadel-  
 phia (13 Pa. St. 175) 144, 2109  
 Saw-Mill Run Bridge, Re (85 Pa.  
 163) 2557  
 Sawyer, Re (124 U. S. 200) 650, 651,  
 653, 787, 819, 838, 840, 841, 2668,  
 2729, 2747, 2750, 2751  
 — v. Alton (4 Ill. 130) 1802, 2460  
 — v. Blakely (2 Ga. App. 159;  
 58 S. E. 399) 1015  
 — v. Chicago (183 Ill. 57; 55  
 N. E. 645) 1808, 2081, 2453  
 — v. Concordia Parish (12 Fed.  
 Rep. 754) 193, 1526  
 — v. Corse (17 Gratt. [Va.] 230;  
 99 Am. Dec. 445) 2903  
 — v. Davis (136 Mass. 239; 49  
 Am. Rep. 27) 938  
 — v. Dooley (21 Nev. 390; 32  
 Pac. 437) 149  
 — v. Manchester & K. R. Co.  
 (62 N. H. 135; 13 Am. St. Rep.  
 541) 880  
 — v. Northfield (7 Cush. [Mass.]  
 490) 2803, 3035  
 — v. Pittsburg (217 Pa. 17; 66  
 Atl. 86) 1167  
 — v. State Board of Health (125  
 Mass. 182) 1049  
 — v. Williams (25 Vt. 311) 628  
 Saxon v. New Orleans (124 La.  
 717; 50 So. 663) 2763  
 Saxon Life Ass. Co., In re (2 J. &  
 H. 408) 2834  
 Saxton v. Beach (50 Mo. 488) 839,  
 910, 1248, 2628  
 — v. New York Elev. R. Co.  
 (139 N. Y. 320; 34 N. E. 728) 2043  
 — v. St. Joseph (60 Mo. 153) 840,  
 910, 1248, 1252, 1258, 2903, 3049  
 Saxton Nat. Bank v. Carswell (126  
 Mo. 436; 29 S. W. 279) 2365, 2369,  
 2607  
 Saylor v. Harrisburg (87 Pa. 216) 2901  
 Sayre v. Tompkins (23 Mo. 443) 2765,  
 2771  
 Scadding v. Lorant (5 Eng. Law  
 and Equity, 16) 842, 867, 868  
 Scales v. Chattahoochee County  
 (41 Ga. 225) 65, 2858  
 — v. Falkner (118 Ga. 152; 44  
 S. E. 987) 720  
 Scallon v. Manhattan R. Co. (185  
 N. Y. 359; 78 N. E. 284, rev'g  
 112 N. Y. App. Div. 262; 98  
 N. Y. Supp. 272) 1777, 2039, 2040  
 Scammon v. Chicago (40 Ill. 146) 947,  
 2400, 2610  
 — v. Chicago (42 Ill. 192) 1787, 2544,  
 2547, 2578, 2585, 3024, 3025, 3027  
 — v. Scammon (28 N. H. 429) 877  
 Scanlan v. Schwab (103 Ill. App.  
 93) 2650, 2706

## TABLE OF CASES CITED

381

[References are to pages]

- Scanlon *v.* Denver (38 Colo. 401; 88 Pac. 156) 908  
 — *v.* Montreal (17 Rap. Jud. Que. C. S. 363) 3044  
 — *v.* Watertown (14 N. Y. App. Div. 1; 43 N. Y. Supp. 618) 2999  
 — *v.* Wedger (156 Mass. 462; 31 N. E. 642; 16 L. R. A. 395) 1089, 2983  
 Scantlin *v.* Garvin (46 Ind. 262) 1753  
 Scarborough *v.* Scarborough Rural Sanitary Authority (L. R. 1 Ex. Div. 344) 1036  
 Scarbrough *v.* Watson (140 Ala. 349; 37 So. 281) 2651  
 Scarning *v.* Cryer (3 Leon. 7) 955  
 Scates *v.* King (110 Ill. 456) 1435  
 Schaaf *v.* Cleveland, M. & S. R. Co. (66 Ohio St. 215; 64 N. E. 145) 1914, 2030  
 Schaefer *v.* Werling (156 Ind. 704; 60 N. E. 149, *aff'd* 188 U. S. 516) 2523, 2524, 2534  
 Schaeffer *v.* Bonham (95 Ill. 368) 1536  
 Schaeffler *v.* Sandusky (33 Ohio St. 246; 31 Am. Rep. 533) 2966, 2967, 2970  
 Schaffer *v.* Cadwallader (36 Pa. 126) 1587, 2679  
 Schall *v.* New York (88 N. Y. App. Div. 64; 84 N. Y. Supp. 737) 2960, 3020  
 Schaller *v.* Omaha (23 Neb. 325; 36 N. W. 533) 1681, 2948  
 Schanck *v.* Mayor (69 N. Y. 444) 459  
 Schattner *v.* Kansas City (53 Mo. 162) 1821, 2926, 3040  
 Scheafer *v.* Selvage ([Ky.], 41 S. W. 569) 2527  
 Scheel *v.* Detroit (130 Mich. 51; 90 N. W. 274) 3020  
 Scheer *v.* Perry (119 N. Y. App. Div. 606; 103 N. Y. Supp. 1048) 2820  
 Scheffbauer *v.* Kearney (57 N. J. Law, 588; 31 Atl. 454) 1222, 1912, 2114, 2131  
 Schenck *v.* Butler (50 Mo. App. 106) 2975  
 — *v.* Marshall County (5 Wall. [U. S.] 772) 1536  
 — *v.* Peay (1 Dillon C. C. 267) 849  
 Schenectady *v.* Furman (61 Hun [N. Y.] 171; 15 N. Y. Supp. 724; s. c. 78 Hun [N. Y.] 87; 29 N. Y. Supp. 269) 1645  
 — *v.* Union College (144 N. Y. 241; 39 N. E. 67; 26 L. R. A. 614) 2577, 2578  
 — *v.* Union College (66 Hun [N. Y.] 179; 21 N. Y. Supp. 147) 1262  
 Schenley *v.* Allegheny (25 Pa. St. 128) 1665, 2539  
 — *v.* Commonwealth (36 Pa. 29; 78 Am. Dec. 359) 233, 463, 1703, 1710, 1716, 1809, 2404, 2636, 2641  
 Schermerhorn *v.* Jersey City (53 N. J. L. 112; 20 Atl. 829) 860, 861  
 Schettler *v.* Lynch (23 Utah, 305; 64 Pac. 955) 1733  
 Scheuer *v.* Kelly (121 Ala. 323; 26 So. 4) 441  
 Schibel *v.* Merrill (185 Mo. 534; 83 S. W. 1069) 2634  
 Schiffmacher *v.* Kircher (59 Ill. App. 113) 3029  
 Schiffman *v.* St. Paul (88 Minn. 43; 92 N. W. 503) 2763  
 Schigley *v.* Waseca (106 Minn. 94; 118 N. W. 289) 2995, 2997  
 Schild *v.* Central Park, N. & E. R. Co. (133 N. Y. 446; 31 N. E. 327; 28 Am. St. Rep. 658) 2077  
 Schilling *v.* Territory (2 Wash. T. 283; 5 Pac. 926) 441  
 Schindler *v.* Schroth (146 Cal. 433; 80 Pac. 624) 1861, 3000  
 Schintgen *v.* La Crosse (117 Wis. 158; 94 N. W. 84) 2365, 2370, 2636, 2637, 2638, 2639, 2640  
 Schinzel *v.* Best (45 N. Y. Misc. 455; 92 N. Y. Supp. 754, *aff'd* 109 N. Y. App. Div. 917; 96 N. Y. Supp. 1145) 2778  
 Schipper *v.* Aurora (121 Ind. 154; 22 N. E. 878) 1815  
 Schlapfer *v.* Union (53 N. J. L. 67; 20 Atl. 894) 2620  
 Schlichter *v.* Keiter (156 Pa. 119; 27 Atl. 45) 655, 656  
 Schliess *v.* Grand Rapids (131 Mich. 52; 90 N. W. 700) 1243  
 Schlitz Brewing Co. *v.* Superior (117 Wis. 297; 93 N. W. 1120) 2747  
 Schloss *v.* Pitkin County (1 Colo. App. 145; 28 Pac. 18) 1313  
 Schmalzried *v.* White (97 Tenn. 36; 36 S. W. 393) 1071  
 Schmelz *v.* Giles (12 Bush [Ky.] 491) 2527  
 Schmid *v.* Frankfort (131 Mich. 197; 91 N. W. 131) 1464, 1484, 1487  
 — *v.* Frankfort (141 Mich. 291; 104 N. W. 668) 1475, 1476, 1477  
 Schmidt, *Ex parte* (24 S. Car. 363) 1125, 2793  
 — *v.* Chicago (107 Ill. App. 64) 2977  
 — *v.* Draper (137 Ind. 249; 36 N. E. 709) 1896  
 — *v.* Fremont (70 Neb. 577; 97 N. W. 830) 2819



[References are to pages]

<b>Schmidt v. Indianapolis</b> (168 Ind. 631; 80 N. E. 632; 14 L. R. A. n. s. 787; 120 Am. St. Rep. 385) 914, 972, 989, 1021, 1022	<b>School Directors v. School Directors</b> (105 Ill. 653) 1888
— <b>v. Stearns County</b> (34 Minn. 112; 24 N. W. 358) 1190	<b>School Dist. v. Blakeslee</b> (13 Conn. 227) 608
<b>Schmitt v. San Francisco</b> (100 Cal. 302; 34 Pac. 961) 1741, 1744	— <b>v. Cromer</b> (52 Ark. 454; 12 S. W. 878) 1312
<b>Schmitz v. Zeh</b> (91 Minn. 290; 97 N. W. 1049) 385, 457, 1359, 1364	— <b>v. First Nat'l Bank</b> (19 Neb. 89; 26 N. W. 912) 1413
<b>Schmulbach v. Speidel</b> (50 W. Va. 553; 40 S. E. 424; 55 L. R. A. 922) 852, 864, 2672	— <b>v. Gage</b> (39 Mich. 328) 469, 470
<b>Schmutz v. Little Rock Special Sch. Dist.</b> (78 Ark. 118; 95 S. W. 438) 1347, 1592, 2374	— <b>v. Hodgins</b> (180 Mo. 70; 79 S. W. 148) 121
<b>Schnaier v. Navarre Hotel &amp; Imp. Co.</b> (182 N. Y. 83; 74 N. E. 561; 70 L. R. A. 722; 108 Am. St. Rep. 790) 2475	— <b>v. Insurance Co.</b> (103 U. S. 707) 131, 132
<b>Schneck v. Jeffersonville</b> (152 Ind. 204; 52 N. E. 212) 125, 232, 1366, 1526	— <b>v. Ohio Valley Gas Co.</b> (154 Pa. St. 539; 25 Atl. 868) 2221
<b>Schnee v. Dubuque</b> (122 Iowa, 459; 98 N. W. 298) 2820, 2969	— <b>v. Reeve</b> (56 Ark. 68; 19 S. W. 106) 1298
<b>Schneider v. Detroit</b> (72 Mich. 240; 40 N. W. 329; 2 L. R. A. 54) 1810	— <b>v. Shaddock</b> (25 Kan. 467) 66
— <b>v. Detroit</b> (135 Mich. 570; 98 N. W. 258) 1898, 2488	— <b>v. State</b> (29 Kan. 57) 122, 125
— <b>v. District of Columbia</b> (7 Mackey [D. C.] 252) 2630	— <b>v. Stough</b> (4 Neb. 357) 1285, 1295
— <b>v. Jacob</b> (86 Ky. 101; 5 S. W. 350) 1699, 1716, 1737	— <b>v. Tapley</b> (1 Allen [Mass.] 49) 626, 628
— <b>v. Menasha</b> (118 Wis. 298; 95 N. W. 94; 99 Am. St. Rep. 996) 449, 1566, 1567, 1603, 1809, 2099	— <b>v. Thompson</b> (5 Minn. 280) 66
— <b>v. Rochester</b> (160 N. Y. 165; 54 N. E. 721) 1646	— <b>v. Western Tube Co.</b> (5 Wyo. 185; 38 Pac. 922; s. c. 13 Wyo. 304; 80 Pac. 155) 1294, 1296, 1305
— <b>v. Rochester</b> (90 Hun [N. Y.] 171; 35 N. Y. Supp. 786) 1671	— <b>v. Williams</b> (38 Ark. 454) 66
<b>Schnurr v. Huntington County</b> (22 Ind. App. 188; 53 N. E. 425) 3026	— <b>v. Wood</b> (13 Mass. 193) 76
<b>Schock v. Falls City</b> (31 Neb. 599; 48 N. W. 468) 1899	<b>School Dist. No. 2 v. Clark</b> (90 Mich. 435; 51 N. W. 529) 1377
<b>Schoen v. Atlanta</b> (97 Ga. 697; 25 S. E. 380; 33 L. R. A. 804) 1029	— <b>v. Pace</b> (113 Mo. App. 134; 87 S. W. 580) 2798
<b>Schoenberg v. Heyer</b> (91 Mo. App. 389) 2632	<b>School Dist. No. 5 v. First Nat. Bank</b> (63 Kan. 668; 66 Pac. 630) 1313
— <b>v. Taylor</b> (9 N. Y. App. Div. 236; 41 N. Y. Supp. 491) 624	<b>School Dist. No. 11 v. Chapman</b> (152 Fed. Rep. 887) 1361, 1402, 1474
<b>Schofield v. Hudson</b> (56 Ill. App. 191) 873	<b>School Dist. No. 44 v. Turner</b> (13 Okl. 71; 73 Pac. 952) 2748
— <b>v. Lansing</b> (17 Mich. 437) 2404	<b>School Trustees v. People</b> (63 Ill. 299) 2388, 2390
— <b>v. Tampico</b> (98 Ill. App. 324) 986	<b>Schoolfield v. Lynchburg</b> (78 Va. 366) 2398
<b>Schollenberger v. Pennsylvania</b> (171 U. S. 1) 2330	<b>Schooling v. Harrisburg</b> (42 Oreg. 494; 71 Pac. 605) 1744, 1897, 1902, 1903
<b>School v. Canal, &amp;c. Co.</b> (9 Ohio, 203) 589	<b>Schoonmaker v. New York</b> (167 Fed. Rep. 975) 2905
<b>School Com. v. Dean</b> (2 Stew. & Port. [Ala.] 190) 119	— <b>v. Reformed Prot. Dutch Church</b> (5 How. [N. Y.] Pr. 265) 1713
	<b>Schopp v. St. Louis</b> (117 Mo. 131; 22 S. W. 898; 20 L. R. A. 783) 1870
	<b>Schott v. Harvey</b> (105 Pa. 222; 51 Am. Rep. 201) 1071
	— <b>v. People</b> (89 Ill. 195) 949, 989
	<b>Schrader v. State</b> (157 Ind. 341; 61 N. E. 721) 2725
	<b>Schreiber v. New York</b> (11 N. Y. Misc. 551; 32 N. Y. Supp. 744) 3048
	<b>Schriber v. Langdale</b> (66 Wis. 616; 29 N. W. 547, 554) 590, 625



[References are to pages]

- Schroder v. City Council* (2 Const. Rep. [S. Car.] 726) 953, 1117
- Schrodt v. St. Joseph* (109 Mo. App. 627; 83 S. W. 543) 2936
- Schroeder v. Baraboo* (93 Wis. 95; 67 N. W. 27) 3056
- *v. Joliet* (189 Ill. 48; 59 N. E. 550; 52 L. R. A. 634) 1679, 2444, 2939
- *v. Overman* (61 Ohio St. 1; 55 N. E. 158) 2538
- Schroth v. Prescott* (63 Wis. 652; 24 N. W. 405; 68 Wis. 678; 32 N. W. 621) 2961, 2966, 2985
- Schuchard v. Seattle* (51 Wash. 41; 97 Pac. 1106) 2605
- Schuchardt v. New York* (53 N. Y. 202) 1675, 1684
- Schuchman v. Homestead Bor.* (111 Pa. St. 48; 2 Atl. 407) 1718
- Schuck v. Reading* (186 Pa. 248; 40 Atl. 310) 1209
- Schuett v. Stillwater* (80 Minn. 287; 83 N. W. 180) 3044, 3045
- Schulenberg & B. L. Co. v. St. Louis, K. & N. W. R. Co.* (129 Mo. 455; 31 S. W. 796) 1983, 2021
- Schultes v. Eberly* (82 Ala. 242; 2 So. 345) 62, 67, 2392
- Schultz v. Milwaukee* (49 Wis. 254; 5 N. W. 342; 35 Am. Rep. 779) 2884, 2904
- Schultze v. Manchester Tp.* (61 N. J. Law, 513; 40 Atl. 589) 1377, 1381, 1383, 1384
- Schulz v. Albany* (27 N. Y. Misc. 51; 57 N. Y. Supp. 963) 2830
- *v. Chicago, M. & St. P. R. Co.* (57 Minn. 271; 59 N. W. 192) 1092
- Schumacher v. New York* (166 N. Y. 103; 59 N. E. 773) 3019, 3038, 3055
- *v. New York* (40 N. Y. App. Div. 320; 57 N. Y. Supp. 968) 3022, 3040, 3042
- *v. St. Louis* (3 Mo. App. 297) 2926
- *v. Toberman* (46 Cal. 508) 153, 231
- Schumm v. Seymour* (24 N. J. Eq. 143) 833, 1155, 1219, 2628, 2790
- Schurmeier v. St. Paul & Pac. R. Co.* (10 Minn. 82; 88 Am. Dec. 770, aff'd 7 Wall. [U. S.] 272) 1687, 1689, 1690, 1795
- Schurz v. Cook* (148 U. S. 397) 2443
- Schuster v. Barber Asphalt Pav. Co.* ([Ky.], 74 S. W. 226) 2456
- *v. State* (48 Ala. 199) 1110
- Schuyler v. New York* (95 N. Y. App. Div. 305; 88 N. Y. Supp. 646) 714
- Schuyler County v. Farwell* (25 Ill. 181) 1481
- *v. People* (25 Ill. 181) 584, 873
- *v. Thomas* (98 U. S. 169) 1420
- Schwab v. Madison* (49 Ind. 329) 953
- Schwalk's Adm'r v. Louisville* (135 Ky. 570; 122 S. W. 860) 2887
- Schwartz v. Flatboats* (14 La. An. 243) 1591, 2404
- *v. Oshkosh* (55 Wis. 490; 13 N. W. 450) 945, 950
- *v. Wilson* (75 Cal. 502; 17 Pac. 449) 411
- Schwarz v. Dover* (70 N. J. L. 502; 57 Atl. 394, rev'g 68 N. J. L. 576; 53 Atl. 214) 149, 269, 271, 284
- Schwede v. Hemrich Bros. Brewing Co.* (29 Wash. 21; 69 Pac. 362) 1991, 1998, 2773
- Schweiss v. Dist. Court* (23 Nev. 226; 45 Pac. 289; 34 L. R. A. 602) 324, 327
- Schweitzer v. Liberty* (82 Mo. 309) 945, 1014
- Schwerdtle v. Placer County* (108 Cal. 589; 41 Pac. 448) 1710, 1711, 1713
- Schweriner v. Philadelphia* (35 Pa. Super. Ct. 128) 3040
- Schwiesau v. Mahon* (110 Cal. 543; 42 Pac. 1065) 1169
- *v. Mahon* (128 Cal. 114; 60 Pac. 683) 2454
- Schwingschlegl v. Monroe* (113 Mich. 683; 72 N. W. 7) 3001
- Schwuchow v. Chicago* (68 Ill. 444) 1016, 1017, 1018
- Sciota v. Norton* (63 Ill. App. 530) 2984
- Scioto Valley R. Co. v. Lawrence* (38 Ohio St. 41) 2002, 2012, 2013
- Scipio v. Wright* (101 U. S. 665) 570, 1474
- Scircle v. Neeves* (47 Ind. 289) 676, 677
- Scituate v. Weymouth* (108 Mass. 128) 630
- Scofield v. Council Bluffs* (68 Iowa, 695; 28 N. W. 20) 1248, 1252, 1254
- *v. Eighth School Dist.* (27 Conn. 499) 553, 2769
- Scollans v. Rollins* (173 Mass. 275; 52 N. E. 862; 73 Am. St. Rep. 284) 1351, 1519
- Scollay v. Butte County* (67 Cal. 249; 7 Pac. 661) 460, 1243, 1245
- Scotland County v. Hill* (132 U. S. 107) 1379, 1398, 1402, 1406, 1475, 1512, 1516, 1517, 1526
- *v. Thomas* (94 U. S. 682) 1420, 1516, 1517

[References are to pages]

- Scotland County Court *v.* United States (140 U. S. 41) 2398, 2399, 2402, 2403, 2457
- Scott *v.* Alexander (23 S. Car. 120) 2765
- *v.* Allen (53 Ill. App. 341) 2763
- *v.* Chicago (1 Biss. 510) 1833, 1834
- *v.* Crow (121 Ga. 68; 48 S. E. 691) 1213
- *v.* Crump (106 Mich. 288; 64 N. W. 1; 58 Am. St. Rep. 478) 745, 747
- *v.* Davenport (34 Iowa, 208) 343, 344, 348, 352
- *v.* Des Moines (34 Iowa, 552) 1802
- *v.* Des Moines (64 Iowa, 438; 20 N. W. 752) 1708, 1751, 1752
- *v.* Donald (165 U. S. 58) 2259, 2352
- *v.* Firth (4 F. & F. 349; s. c. 10 L. T. N. s. 240) 1037
- *v.* Hamilton (29 Ohio Cir. Ct. 652) 1223
- *v.* Hanskeer (94 Ind. 1) 617, 1511
- *v.* Hayes (162 Ind. 548; 70 N. E. 879) 1394, 1395, 2624, 2625
- *v.* Jersey City (68 N. J. Law, 687; 54 Atl. 441) 760
- *v.* La Porte (162 Ind. 34; 68 N. E. 278; 69 N. E. 675) 2752, 2763
- *v.* Layng (59 Mich. 43; 26 N. W. 220, 791) 506, 512
- *v.* Manchester (37 Eng. Law & Eq. 495; 2 H. & N. 204; s. c. 1 H. & N. 59) 2902, 2904, 2905, 2906, 2918
- *v.* Marshall (110 Mo. App. 178; 85 S. W. 98) 2920
- *v.* Montgomery (95 Pa. 444) 2963, 2965, 3004
- *v.* Moore (98 Va. 668; 37 S. E. 342; 81 Am. St. Rep. 749) 1744
- *v.* New York (27 N. Y. App. Div. 240; 50 N. Y. Supp. 191) 2868
- *v.* Shreveport (20 Fed. Rep. 714) 449, 1192
- *v.* State (43 Fla. 396; 31 So. 244) 2671
- *v.* Toledo (36 Fed. Rep. 385) 2363, 2369
- *v.* Twombly (20 N. Y. App. Div. 535; 46 N. Y. Supp. 699) 2780
- *v.* Union County (63 Iowa, 583; 19 N. W. 667) 868
- Scottish Union & Nat. Ins. Co. *v.* Bowland (196 U. S. 611) 2322, 2398, 2415, 2416, 2440, 2443, 2477
- *v.* Herriott (109 Iowa, 606; 80 N. W. 665; 77 Am. St. Rep. 548) 2353, 2354
- Scovel *v.* Detroit (146 Mich. 93; 109 N. W. 20) 1819
- Scovil *v.* Geddings (7 Ohio, Part 2, 211) 2930
- Scoville *v.* Cleveland (1 Ohio St. 126) 443, 842, 1665, 2315, 2494, 2584
- *v.* Salt Lake City (11 Utah, 60; 39 Pac. 481) 2967
- Scowden's Appeal (96 Pa. 422) 254, 275, 276
- Scrafford *v.* Gladwin County (41 Mich. 647; 2 N. W. 904) 2737
- Scranton *v.* Bush (160 Pa. 499; 28 Atl. 926) 2630
- *v.* Catterson (94 Pa. St. 202) 3012
- *v.* Dean (2 Weekly Notes, 467) 2965
- *v.* Hill (102 Pa. St. 378; 48 Am. Rep. 211) 2974, 3032
- *v.* Hyde Park Gas Co. (102 Pa. 382) 1319
- *v.* Koehler (200 Pa. 126; 49 Atl. 792) 2539
- *v.* Pennsylvania Coal Co. (105 Pa. 445) 2425, 2540, 2570
- *v.* Straff (28 Pa. Super. Ct. 258) 928, 929
- *v.* Sturges (202 Pa. 182; 51 Atl. 764) 2557
- *v.* Thomas (141 Pa. 1; 21 Atl. 413) 1738
- *v.* Wheeler (179 U. S. 141) 486, 497, 499, 1609
- *v.* Whyte (148 Pa. 419; 23 Atl. 1043) 315, 316, 323
- Scranton City's Appeal (121 Pa. 97; 15 Atl. 483) 2949
- Scranton El. L. & Heating Co., Appeal of (122 Pa. 154; 15 Atl. 446) 2142
- Scranton Gas & Water Co. *v.* Scranton (214 Pa. 586; 64 Atl. 84; 6 L. R. A. N. s. 1033) 2067
- Scranton School Dist. Appeal (113 Pa. 176; 6 Atl. 158) 292, 301
- Scribner *v.* Blute (28 Wis. 148) 1733
- *v.* Grand Rapids (119 Mich. 188; 77 N. W. 699) 1813
- Scroggie *v.* Guelph (36 Up. Can. Q. B. 534) 3054
- Scrutchfield *v.* Choctaw, O. & W. R. Co. (18 Okla. 308; 88 Pac. 1048; 9 L. R. A. N. s. 496) 2013
- Scudder *v.* Detroit (117 Mich. 77; 75 N. W. 286) 1846
- *v.* Hinshaw (134 Ind. 56; 33 N. E. 791) 1853, 1854, 1855
- *v.* Jones (134 Ind. 547; 32 N. E. 221) 2603
- *v.* Trenton Del. Falls Co. (Saxt. [N. J.] 694; 23 Am. Dec 756) 1641, 1644

## TABLE OF CASES CITED

385

[References are to pages]

- Scully, *In re* (11 Chicago Legal News, 27) 1120  
 — *v. Commonwealth* (188 Mass. 178; 74 N. E. 342) 486  
 Scurry *v. Seattle* (8 Wash. 278; 36 Pac. 145) 2815  
 Sea Beach R. Co. *v. Coney Island & G. Elect. R. Co.* (22 N. Y. App. Div. 477; 47 N. Y. Supp. 981) 1969  
 Seaboard A. L. R. Co. *v. Alabama Railroad Com'n* (155 Fed. Rep. 792) 2252, 2254, 2269  
 — *v. Southern Inv. Co.* (53 Fla. 832; 44 So. 351) 2010  
 Seabolt *v. Northumberland County* (187 Pa. 318; 41 Atl. 22) 257, 259, 266, 289, 290, 305  
 Seaboard Nat. Bank *v. Woesten* (147 Mo. 467; 48 S. W. 939) 1197, 1261  
 Seabright *v. Allgor* (69 N. J. L. 641; 56 Atl. 287) 1701, 1702  
 Seagraves *v. Alton* (13 Ill. 371) 1185  
 Seale *v. Mitchell* (5 Cal. 403) 1118  
 Seaman *v. Camden* (66 N. J. L. 516; 49 Atl. 977) 2620  
 — *v. Marshall* (116 Mich. 327; 74 N. W. 484) 3056  
 — *v. New York* (80 N. Y. 239; 36 Am. Rep. 612) 2839, 2904  
 — *v. New York* (3 Daly [N. Y.] 147) 516  
 — *v. Patten* (2 Caines [N. Y.] 312) 762  
 Seamen's Hospital Soc. *v. Liverpool* (4 Ex. 180) 976  
 Searcy *v. Grow* (15 Cal. 117) 639  
 — *v. Yarnell* (47 Ark. 269; 1 S. W. 319) 121, 1582  
 Searing *v. Clark* (69 N. J. L. 609; 55 Atl. 690) 2667  
 — *v. Saratoga* (39 Hun [N. Y.] 307) 3055  
 Searl *v. School Dist. No. 2* (133 U. S. 553) 1675, 1677  
 Searle *v. Abraham* (73 Iowa, 507; 35 N. W. 612) 2768  
 — *v. Lead City* (10 S. Dak. 312; 73 N. W. 101) 1661, 1664, 2949  
 Searles *v. Flora* (225 Ill. 167; 80 N. E. 98) 1264, 1265  
 Sears *v. Atlantic City* (72 N. J. L. 435; 60 Atl. 1093) 2601  
 — *v. Boston* (173 Mass. 71; 53 N. E. 138) 2530, 2536, 2583  
 — *v. Boston Street Com'rs* (173 Mass. 350; 53 N. E. 876) 2363, 2530, 2583, 2614, 2616  
 — *v. Boston Street Com'rs* (180 Mass. 274; 62 N. E. 397) 2536, 2537, 2555  
 — *v. Crocker* (184 Mass. 586; 69 N. E. 327; 100 Am. St. Rep. 577) 1828, 1997  
 Sears *v. Dennis* (105 Mass. 310) 2970  
 — *v. Iowa Midland R. Co.* (39 Iowa, 417) 2430  
 — *v. James* (47 Oreg. 50; 82 Pac. 14) 2785  
 — *v. Marshalltown St. R. Co.* (65 Iowa, 742; 23 N. W. 150) 2002, 2003, 2015  
 — *v. West* (1 Murph. [N. Car.] 291; 3 Am. Dec. 694) 995, 2469  
 — *v. Williams* (9 Wash. 428; 37 Pac. 665; 38 Pac. 135; 39 Pac. 280) 1267  
 Seaside & B. B. Elev. R. Co., *Matter of* (83 Hun [N. Y.] 143; 31 N. Y. Supp. 630) 2044  
 Seattle, *In re* (47 Wash. 603; 92 Pac. 423) 1674  
 — *v. Barto* (31 Wash. 141; 71 Pac. 735) 909, 910  
 — *v. Buzby* (2 Wash. Ter. 25; 3 Pac. 180) 3023  
 — *v. Chin Let* (19 Wash. 38; 52 Pac. 324) 1112  
 — *v. Clark* (28 Wash. 717; 69 Pac. 407) 1014  
 — *v. Columbia & P. S. R. Co.* (6 Wash. 379; 33 Pac. 1048) 1948, 1986, 2050  
 — *v. De Wolfe* (17 Wash. 349; 49 Pac. 553) 2480, 2481  
 — *v. Doran* (5 Wash. 482; 32 Pac. 105, 1002) 911  
 — *v. Hill* (23 Wash. 92; 62 Pac. 446) 1690, 1706, 1707, 1730, 1743, 1745, 2604  
 — *v. Hurst* (50 Wash. 424; 97 Pac. 454; 18 L. R. A. n. s. 169) 1856  
 — *v. Kelleher* (195 U. S. 351) 2487, 2521, 2523, 2529, 2637  
 — *v. McDonald* (47 Wash. 298; 91 Pac. 952; 17 L. R. A. n. s. 49) 1110  
 — *v. Meth. Protestant Church* (138 Fed. Rep. 307) 2929  
 — *v. O'Connell* (16 Wash. 625; 48 Pac. 412) 2481  
 — *v. Seattle & M. R. Co.* (50 Wash. 132; 96 Pac. 958) 2587  
 — *v. Seattle Elect. Co.* (48 Wash. 599; 94 Pac. 194; 15 L. R. A. n. s. 486) 2593  
 — *v. Smyth* (22 Wash. 327; 60 Pac. 1120; 79 Am. St. Rep. 939) 210  
 — *v. Turner* (29 Wash. 515; 69 Pac. 1082) 440, 1274  
 — *v. Whittlesey* (17 Wash. 292; 49 Pac. 489) 2576  
 Seattle & M. R. Co. *v. State* (7 Wash. 150; 34 Pac. 551; 38 Am. St. Rep. 866) 1618, 1804

[References are to pages]

- Seattle & P. S. Packing Co. v. Seattle (51 Wash. 49; 97 Pac. 1093) 2602, 2603  
 Seattle Land & Imp. Co. v. Seattle (37 Wash. 274; 79 Pac. 780) 1759, 1761  
 Seattle Transfer Co. v. Seattle (27 Wash. 520; 68 Pac. 90) 1664  
 Seay v. Hunt (55 Tex. 545) 636, 646, 649  
 Seccomb v. Wurster (83 Fed. Rep. 856) 1943, 2776, 2777, 2779, 2780  
 Second Avenue (7 Pa. Super. Ct. 62) 1660  
 Second Avenue M. E. Church, *In re* (66 N. Y. 395) 2317, 2572, 2575  
 Second Nat. Bank v. Danville (60 Ind. 504) 524, 526  
 — v. Lansing (25 Mich. 207) 1250  
 Second Ward Sav. Bank v. Huron (80 Fed. Rep. 660) 1457, 1461  
 Secord v. Great Western Ry. Co. (15 Up. Can. Q. B. 631) 3005  
 Secretary of Int. v. McGarrahan (9 Wall. [U. S.] 298) 2659, 2694, 2698, 2725, 2726  
 Security Co. v. Arbuckle (123 Ind. 518; 24 N. E. 329) 2609  
 Security Mut. L. Ins. Co. v. Pre-witt (202 U. S. 246) 2353, 2358  
 Security Trust & Safety Vault Co. v. Lexington (203 U. S. 323) 2363, 2369  
 Sedalia v. Abell (103 Mo. App. 431; 76 S. W. 497) 2452  
 — v. Coleman (82 Mo. App. 560) 1812  
 — v. Scott (104 Mo. App. 595; 78 S. W. 276) 869  
 — v. Smith (206 Mo. 346; 104 S. W. 15) 1261, 2634  
 Sedalia Brewing Co. v. Sedalia Water Works Co. (34 Mo. App. 49) 2211  
 Sedberry v. Chatham County (66 N. C. 486) 2648, 2721, 2724  
 Sedgeley Ave., *In re* (88 Pa. St. 509) 1661  
 Sedgwick v. Stanton (14 N. Y. 289) 1152  
 Sedgwick County v. Bailey (11 Kan. 600) 137  
 — v. Bailey (13 Kan. 631) 180, 625  
 — v. Bunker (16 Kan. 498) 627  
 Seebold v. Shitler (34 Pa. St. 133) 1563, 1567, 1759  
 Seegar v. Ashland (101 Wis. 515; 77 N. W. 880) 2822  
 Seegers v. Gibbes (72 S. Car. 532; 52 S. E. 586) 344, 436  
 Seele v. Deering (79 Me. 343; 10 Atl. 45; 1 Am. St. Rep. 314) 2872  
 Seeley v. Amsterdam (54 N. Y. App. Div. 9; 66 N. Y. Supp. 221) 2874  
 — v. Litchfield (49 Conn. 134; 44 Am. Rep. 213) 2966, 2979  
 Seely v. Pittsburgh (82 Pa. 360; 22 Am. Rep. 760) 2540, 2567, 2569, 2570  
 Seguin v. Ireland (58 Tex. 183) 1754, 1791  
 Seibert v. Copp (62 Mo. 182) 2595  
 — v. Indianapolis (40 Ind. App. 296; 81 N. E. 99) 1206, 1208  
 — v. Lewis (122 U. S. 284) 193, 195, 421, 596, 2684, 2686, 2688, 2689, 2695, 2724  
 — v. Swayne (97 Ill. App. 85) 623  
 — v. Tiffany (8 Mo. App. 33) 2529  
 Seibold v. People (86 Ill. 33) 448  
 Seibrecht v. New Orleans (12 La. An. 491) 1180, 1186, 1233  
 Seidschlag v. Antioch (207 Ill. 280; 69 N. E. 949) 1706, 1708  
 Seifert v. Brooklyn (101 N. Y. 136; 4 N. E. 321; 54 Am. Rep. 664) 2748, 2839, 2915, 3038, 3039, 3040, 3042, 3044, 3045, 3046, 3047, 3049, 3050, 3051, 3054, 3056, 3060  
 — v. Brooks (34 Wis. 443) 1648, 1649  
 Seiple v. Elizabeth (27 N. J. L. 407) 466, 683  
 Seitzinger v. Edison El. Ill. Co. (187 Pa. 539; 41 Atl. 454) 900, 2152  
 — v. Tamaqua (187 Pa. 539; 41 Atl. 454) 1172, 2131, 2153  
 Selby v. Portland (14 Oreg. 243; 12 Pac. 377; 58 Am. Rep. 307) 745, 2653  
 — v. State (63 Ohio St. 541; 59 N. E. 218) 1315  
 Selden v. Jacksonville (28 Fla. 558; 10 So. 457; 14 L. R. A. 370; 29 Am. St. Rep. 278) 1835, 2931, 2934  
 Seliger v. New York (88 N. Y. Supp. 1003) 2813  
 Seligman v. Santa Rosa (81 Fed. Rep. 524) 2786  
 Sellars v. Barrett (185 Ill. 466; 57 N. E. 422) 2442  
 Sellick v. South Norwalk Common Council (40 Conn. 359) 650  
 Sells v. Dermody (114 Iowa, 344; 86 N. W. 325) 770, 775  
 Selma v. Mullen (46 Ala. 411) 605, 1173  
 — v. Perkins (68 Ala. 145) 440, 2998  
 — v. Selma Press & W. Co. (67 Ala. 430) 2475  
 — v. Shivers (150 Ala. 502; 43 So. 565) 977  
 Selma & Gulf R., *In re* (45 Ala. 696; 6 Am. Rep. 722) 571

## TABLE OF CASES CITED

387

[References are to pages]

- Selma & Gulf R. Co., In re* (46 Ala. 230) 2654, 2660, 2721  
*Selma Water Co. v. Selma* (154 Fed. Rep. 138) 2159  
*Selpho v. Brooklyn* (5 N. Y. App. Div. 529; 39 N. Y. Supp. 520, aff'd 158 N. Y. 673; 52 N. E. 1126) 1263  
*Seltzer v. Metropolitan Elect. Co.* (199 Pa. 100; 48 Atl. 861) 1158  
*Semmes v. Columbus* (19 Ga. 471) 1235  
*Simple, In re* (10 Kan. App. 156; 62 Pac. 534) 961  
*Simple v. Vicksburg* (62 Miss. 63; 52 Am. Rep. 181) 3055  
*Senate Bill No. 293, In re* (21 Colo. 38; 39 Pac. 522) 287, 307  
*Seneca, The* (8 Ben. 509; Fed. Cas. No. 12,668) 1589  
*Senhenn v. Evansville* (140 Ind. 675; 40 N. E. 69) 1863, 2960  
*Sentell v. New Orleans & C. R. Co.* (166 U. S. 698) 1100, 1101  
*Serrill v. Philadelphia* (38 Pa. 355) 2425  
*Serrot v. Omaha* (1 Dill. C. C. R. 312) 3012, 3013, 3015, 3021  
*Sessions v. Newport* (23 Vt. 9) 2961  
*— v. State* (115 Ga. 18; 41 S. E. 259) 120  
*Seton v. Hoyt* (34 Oreg. 266; 55 Pac. 967; 75 Am. St. Rep. 640) 1294, 1319, 1320, 1321, 1322  
*Settegast v. Houston, O. L. & M. P. R. Co.* (38 Tex. Civ. App. 623; 87 S. W. 197) 2028  
*Setter's Adm'r v. Maysville* (114 Ky. 60; 69 S. W. 1074) 2969  
*Seufferle v. Mcfarland* (28 App. D. C. 94) 1639, 2935  
*Seventh Ward Nat. Bank v. New York Elev. R. Co.* (53 Super. Ct. 412) 2047  
*Sever v. Lyons* (170 Ill. 395; 48 N. E. 928) 441  
*Severin v. Eddy* (52 Ill. 189) 3028, 3032  
*Severy v. Central Pac. R. Co.* (51 Cal. 194) 1792, 3010  
*Sewall v. St. Paul* (20 Minn. 511) 2398, 2451, 2607, 2869, 2874, 2883  
*Seward v. Conroy* (33 Neb. 430; 50 N. W. 329) 616  
*Seward v. Liberty* (142 Ind. 551; 42 N. E. 39) 362, 458, 1158  
*— v. Milford* (21 Wis. 485) 2975, 2998, 3000  
*— v. Wilmington* (2 Marv. [Del.] 189; 42 Atl. 451) 2960, 2975, 2998, 2999, 3014  
*Seward County v. Aetna Life Ins. Co.* (90 Fed. Rep. 222) 334, 1238, 1330, 1503, 1505  
*Seward County v. Shepherd* (71 Kan. 61; 80 Pac. 36) 1313  
*Sewell v. Cohoes* (75 N. Y. 45; 31 Am. Rep. 418) 2952, 2975  
*— v. Moore* (166 Pa. 570; 31 Atl. 370) 1071  
*Sewickley v. Sholes* (118 Pa. 165; 12 Atl. 302) 2434  
*Sewickley M. E. Church's Appeal* (165 Pa. 475; 30 Atl. 1007) 2574  
*Sexsmith v. Smith* (32 Wis. 299) 2604  
*Sexton v. Chicago* (107 Ill. 323) 1185  
*Seybel v. National Cur. Bank* (54 N. Y. 288; 13 Am. Rep. 583) 1547  
*Seybert v. Pittsburg* (1 Wall. [U. S.] 272) 582, 1331, 1402  
*Seymer v. Lake* (66 Wis. 651; 29 N. W. 554) 3004  
*Seymour v. Cummins* (119 Ind. 148; 21 N. E. 549) 3038  
*— v. Hartford* (21 Conn. 481) 2445  
*— v. Jeffersonville, M. & I. R. Co.* (126 Ind. 466; 26 N. E. 188) 1614  
*— v. Nelson* (11 App. D. C. 58) 2698, 2725  
*— v. Over-River School Dist.* (53 Conn. 502; 3 Atl. 552) 471, 742  
*— v. Salamanca* (137 N. Y. 364; 33 N. E. 304) 1803  
*— v. Spokane* (6 Wash. 362; 33 Pac. 832) 1319, 1321,  
*— v. Tacoma* (6 Wash. 138; 32 Pac. 1077) 405, 429  
*— v. Tacoma* (6 Wash. 427; 33 Pac. 1059) 385, 399, 432, 435, 644  
*— v. United States* (2 App. D. C. 240) 2659  
*Seymour Water Co. v. Seymour* (163 Ind. 120; 70 N. E. 514) 2645  
*Shaaber v. Reading City* (150 Pa. 402; 24 Atl. 692) 1630  
*Schackford v. Newington* (46 N. H. 415) 568  
*Shaefer v. Werling* (188 U. S. 516) 2316  
*Shafer v. Mumma* (17 Md. 331; 76 Am. Dec. 656) 669, 969, 972, 978, 1041, 1099, 1118, 1119  
*Shaffer v. Union Mining Co.* (55 Md. 74) 205, 207  
*— v. Weech* (34 Kan. 595; 9 Pac. 202) 2596  
*Shaffner v. St. Louis* (31 Mo. 264) 1644, 1646, 1647, 1661  
*Shakespear v. Smith* (77 Cal. 638; 20 Pac. 294; 11 Am. St. Rep. 327) 1295  
*Shallcross v. Jeffersonville* (27 Ind. 193) 519  
*Shalley v. Danbury & B. H. R. Co.* (64 Conn. 381; 30 Atl. 135) 2815  
*Shane v. New York City* (135 N.



## TABLE OF CASES CITED

[References are to pages]

- Y. App. Div. 218; 120 N. Y. Supp. 428) 2672
- Shanewerk v. Ft. Worth* (11 Tex. Civ. App. 271; 32 S. W. 918) 2895
- Shanfelter v. Baltimore* (80 Md. 483; 31 Atl. 439; 27 L. R. A. 648) 1663
- Shank v. Ravenswood* (43 W. Va. 242; 27 S. E. 223) 614
- *v. Smith* (157 Ind. 401; 61 N. E. 932; 55 L. R. A. 648) 1261, 2534, 2623
- Shannon v. Hinsdale* (180 Ill. 202; 54 N. E. 181) 986, 2453, 2629
- *v. Huron* (9 S. Dak. 356; 69 N. W. 598) 355, 357, 380, 1303
- *v. O'Boyle* (51 Ind. 565) 1235, 1582, 1583
- *v. Omaha* (73 Neb. 507; 103 N. W. 53; 106 N. W. 592) 2614
- *v. Portland* (38 Oreg. 382; 62 Pac. 50) 2365, 2629
- *v. Portsmouth* (54 N. H. 483) 790
- Shapleigh v. Pilsbury* (1 Me. 271) 1755
- *v. San Angelo* (167 U. S. 646) 121, 124, 125, 604, 624, 1369
- Shapter v. San Francisco* (110 Fed. Rep. 615) 1389, 1390
- Sharrett's Road* (8 Pa. St. 89) 1799
- Sharon Hill Borough, In re* (140 Pa. 250; 21 Atl. 394) 627
- Sharon Iron Co. v. Erie* (41 Pa. St. 341) 1566
- Sharp, In re* (56 N. Y. 257; 15 Am. Rep. 415) 2596, 2597, 2606
- Sharp v. Johnson* (4 Hill [N. Y.] 92; 40 Am. Dec. 259) 1648, 2399, 2485, 2572, 2596
- *v. New York* (40 Barb. [N. Y.] 256) 1163
- *v. New York* (9 Abb. Pr. [N. Y.] 426) 1245
- *v. South Omaha* (53 Neb. 700; 74 N. W. 76) 1916, 2157
- *v. Spear* (4 Hill [N. Y.] 76) 1648, 2317, 2399, 2485, 2572, 2596
- *v. United States* (191 U. S. 341) 1678
- *v. Wright* (35 Barb. [N. Y.] 236) 1166, 1168
- Sharp's Exr. v. Dunavan* (17 B. Mon. [Ky.] 223) 2428
- Sharpe v. St. Louis & S. W. R. Co.* (49 Ind. 296) 1795
- Sharpless v. Philadelphia* (21 Pa. 147; 59 Am. Dec. 759) 569, 573, 1364, 2313, 2425
- *v. West Chester* (1 Grant Cas. [Pa.] 257) 1669
- Shartle v. Minneapolis* (17 Minn. 308) 1731, 2993, 3004
- Shattuck v. Kincaid* (31 Oreg. 379; 49 Pac. 758) 1292, 1294
- *v. Woods* (1 Pick. [Mass.] 175) 741
- Shaub v. Lancaster City* (156 Pa. 362; 26 Atl. 1067; 21 L. R. A. 691) 550, 893, 899, 1172
- Shaubut v. St. Paul & S. C. R. Co.* (21 Minn. 502) 1785, 1789, 1792
- Shaughnessy v. Fornes* (73 N. Y. App. Div. 462; 77 N. Y. Supp. 223; aff'd 172 N. Y. 323; 65 N. E. 168) 703, 704
- Shaul v. Board of Education* (108 N. Y. App. Div. 19; 95 N. Y. Supp. 479) 744
- Shaver v. Murdock* (36 Cal. 293) 1270
- *v. Starrett* (4 Ohio St. 494) 1668
- Shaw v. Allegheny* (115 Pa. 46; 7 Atl. 770) 2829
- *v. Charleston* (57 W. Va. 433; 50 S. E. 527) 2886
- *v. Charlestown* (3 Allen [Mass.] 538) 1660, 1661
- *v. Crocker* (42 Cal. 435) 2928
- *v. Dennis* (10 Ill. 405) 570, 2317
- *v. Hill* (67 Ill. 455) 651
- *v. Independent School Dist.* (62 Fed. Rep. 911) 1455
- *v. Jones* (4 Ohio N. P. 372) 2783
- *v. Kennedy* [N. Car.], Term R. 158) 960
- *v. Macon* (19 Ga. 468) 744, 745, 2793, 2797
- *v. Macon* (21 Ga. 280) 745
- *v. Marshalltown* (131 Iowa, 128; 104 N. W. 1121; 10 L. R. A. N. S. 825) 2667
- *v. New York Cent. & H. R. R. Co.* (85 N. Y. App. Div. 137; 83 N. Y. Supp. 91) 440, 945, 988
- *v. New York Elev. R. Co.* (187 N. Y. 186; 79 N. E. 984, aff'g 110 N. Y. App. Div. 892; 96 N. Y. Supp. 1145) 1966, 1968, 2040, 2041
- *v. Norfolk R. Co.* (5 Gray [Mass.] 180) 1526
- *v. Pickett* (26 Vt. 486) 2479, 2484
- *v. Pima County* (2 Ariz. 399; 18 Pac. 273) 745
- *v. Potsdam* (11 N. Y. App. Div. 508; 42 N. Y. Supp. 779) 766
- *v. Riverside School Dist.* (62 Fed. Rep. 911) 382
- *v. Statler* (74 Cal. 258; 15 Pac. 833) 411, 414, 1303
- *v. Thompson* (L. R. 3 Ch. Div. 233) 644
- *v. Trenton* (49 N. J. L. 339; 12 Atl. 902) 1197, 1214, 1215
- *v. Waterbury* (46 Conn. 263) 2820, 2821



## TABLE OF CASES CITED

389

[References are to pages]

- Shaw v. Ypsilanti* (146 Mich. 712; 110 N. W. 40) 2602  
*Shaw Stocking Co. v. Lowell* (199 Mass. 118; 85 N. E. 90) 2216  
*Shawangunk Kill Br., In re* (100 N. Y. 642; 3 N. E. 679) 1710  
*Shawnee County v. Carter* (2 Kan. 115) 1195, 1286, 1342  
—— *v. Topeka* (39 Kan. 197; 18 Pac. 161) 1799  
*Shawneetown v. Baker* (85 Ill. 563) 1240  
—— *v. Mason* (82 Ill. 337; 25 Am. Rep. 321) 2926, 2929, 2939, 2944, 3042, 3046  
*Shea v. Howell* (132 Mass. 187) 2820  
—— *v. Lowell* (8 Allen [Mass.] 136) 2967  
—— *v. Milford* (145 Mass. 528; 14 N. E. 764) 849, 1236  
—— *v. Muncie* (148 Ind. 14; 46 N. E. 138) 943, 949, 977, 1018  
—— *v. Ottumwa* (67 Iowa, 39; 24 N. W. 582) 1713, 1716, 1736  
—— *v. Potrero & B. V. R. Co.* (44 Cal. 414) 1981  
*Sheaff v. Colwell* (87 Ill. 189) 1712  
*Shearer v. Bay County* (128 Mich. 552; 87 N. W. 789) 655  
*Shearer v. Buckley* (31 Wash. 370; 72 Pac. 76) 2963, 2992  
*Sheats v. Rome* (92 Ga. 535; 17 S. E. 922) 3001  
*Sheboygan County v. Parker* (3 Wall. [U. S.] 93) 1375  
—— *v. Sheboygan* (54 Wis. 415; 11 N. W. 598) 2484  
*Sheedy v. Chicago* (221 Ill. 111; 77 N. E. 539) 2447  
*Sheehan v. Boston* (171 Mass. 296; 50 N. E. 543) 2892, 2915  
—— *v. Flynn* (59 Minn. 436; 61 N. W. 462) 3045  
—— *v. Gleason* (46 Mo. 100) 461, 2404  
—— *v. Good Samaritan Hospital* (50 Mo. 155; 11 Am. Rep. 412) 2572, 2574  
—— *v. Long Island City* (11 N. Y. Misc. 487; 33 N. Y. Supp. 428) 344  
—— *v. New York* (37 N. Y. Misc. 432; 75 N. Y. Supp. 802) 1200  
—— *v. Scott* (145 Cal. 684; 79 Pac. 350) 114, 116, 639  
*Sheehy v. Clausen* (26 N. Y. Misc. 269; 55 N. Y. Supp. 1000) 2776, 2778  
—— *v. Kansas City Cable Ry. Co.* (94 Mo. 574; 7 S. W. 579; 4 Am. St. Rep. 396) 2927, 2947  
—— *v. McMillan* (26 N. Y. App. Div. 140; 49 N. Y. Supp. 1088) 2781  
*Sheehy v. New York City* (160 N. Y. 139; 54 N. E. 749, rev'g 29 N. Y. App. Div. 263; 51 N. Y. Supp. 519) 2820  
*Sheel v. Appleton* (49 Wis. 125; 5 N. W. 27) 2814, 2822, 3004, 3015  
*Sheen v. Stothart* (29 La. An. 630) 1897  
*Sheff v. Huntington* (16 W. Va. 307) 2957, 3016  
*Sheffield v. Address* (56 Ind. 157) 66, 526, 1345  
—— *v. Blakely Dispensary* (111 Ga. 1; 36 S. E. 302) 1587  
*Sheffield Waterworks Co. v. Bingham* (L. R. 25 Ch. Div. 443) 2216  
—— *v. Carter* (L. R. 8 Q. B. 632) 2216  
—— *v. Wilkinson* (L. R. 4 C. P. Div. 410) 2220  
*Sheidley v. Lynch* (95 Mo. 487; 8 S. W. 434) 458  
*Shelby v. Alcorn* (36 Miss. 273; 72 Am. Dec. 169) 727  
—— *v. Burlington* (125 Iowa, 343; 101 N. W. 101) 894  
—— *v. Deprez* (87 Ind. 509) 2871  
—— *v. Miller* (114 Wis. 660; 91 N. W. 86) 460  
*Shelby County v. Bickford* (102 Tenn. 395; 52 S. W. 772) 1888  
—— *v. Cumberland & C. R. R. Co.* (8 Bush [Ky.] 209) 196, 1508, 1513, 2655  
—— *v. Mississippi & T. R. Co.* (16 Lea [Tenn.] 401; 1 S. W. 32) 2441  
*Shelby County Court v. Shelby R. Co.* (5 Bush [Ky.] 225) 221, 2316  
*Shelbyville Water & Lt. Co. v. McDade* (122 Ky. 639; 92 S. W. 568) 2305  
*Shelden v. Marion Tp.* (101 Mich. 256; 59 N. W. 614) 2827  
*Sheldon v. Centre School Dist.* (25 Conn. 224) 2788  
—— *v. Kalamazoo* (24 Mich. 383) 2874, 2883  
—— *v. School Dist.* (25 Conn. 224) 458  
—— *v. Wright* (5 N. Y. 497) 643  
*Sheley v. Detroit* (45 Mich. 431; 8 N. W. 52) 2541, 2542, 2581, 2616  
*Shell v. Cousins* (77 Va. 328) 725, 726, 727  
*Shelley v. St. Charles County* (17 Fed. Rep. 909) 1368  
—— *v. St. Charles County* (30 Fed. Rep. 603) 2673  
*Shellhouse v. State* (110 Ind. 509; 11 N. E. 484) 1706, 1714  
*Shelton v. Mobile* (30 Ala. 540; 68 Am. Dec. 143) 987, 1077, 1079, 1848  
—— *v. State* (53 Ind. 331; 21 Am. Rep. 197) 765

[References are to pages]

- Shelton County *v.* Birmingham (61 Conn. 518; 24 Atl. 978) 1813, 1875
- Shenandoah Valley R. Co. *v.* Clarke County (78 Va. 269) 2765
- Shepard *v.* Barron (194 U. S. 553) 2604, 2606
- *v.* Easterling (61 Neb. 882; 86 N. W. 941) 2763, 2785
- *v.* Manhattan R. Co. (169 N. Y. 160; 62 N. E. 151, aff'g 48 N. Y. App. Div. 452; 62 N. Y. Supp. 977) 1776, 2040, 2041
- *v.* Milwaukee Gas Light Co. (6 Wis. 539) 2116, 2214
- *v.* Milwaukee G. L. Co. (11 Wis. 234; 15 Wis. 318; 82 Am. Dec. 679) 2210, 2214
- *v.* Oakley (181 N. Y. 339; 74 N. E. 227) 804, 818
- *v.* People (200 Ill. 508; 65 N. E. 1068) 2480
- *v.* People (40 Mich. 487) 1043
- *v.* Tulare Irrig. Dist. (94 Fed. Rep. 1) 1395
- *v.* Wheeling (30 W. Va. 479; 4 S. E. 635) 148
- Shepardson *v.* Colerain (13 Met. [Mass.] 55) 2962, 2973
- Shepherd *v.* Chelsea (4 Allen [Mass.] 113) 2970
- *v.* Kansas City (81 Kan. 369; 105 Pac. 531) 2638
- *v.* Lincoln (17 Wend. [N. Y.] 250) 767, 773, 776
- *v.* Municipality (6 Rob. [La.] 349; 41 Am. Dec. 269) 513
- Sherbourne *v.* Yuba County (21 Cal. 113; 81 Am. Dec. 151) 2855, 2856, 2857, 2896
- Sherburne *v.* Fiske (8 Cush. [Mass.] 264) 762
- *v.* Portsmouth (72 N. H. 539; 58 Atl. 38) 2752, 2755, 2767, 2768, 2769
- Sheridan *v.* Chicago (175 Ill. 421; 51 N. E. 898) 2453
- *v.* Colvin (78 Ill. 237) 458, 651, 916, 2751
- *v.* Empire City (45 Oreg. 296; 77 Pac. 393) 1711
- *v.* Fitchburg (131 Mass. 523) 2631
- *v.* New York City (145 Fed. Rep. 835) 1155
- *v.* Salem (14 Oreg. 328; 12 Pac. 925) 2814, 2951
- *v.* St. Louis (183 Mo. 25; 81 S. W. 1082) 640, 743, 745
- Sheridan Dist. Tp. *v.* Frahm (102 Iowa, 5; 70 N. W. 721) 66
- Sheriff *v.* Daigle (107 La. 510; 32 So. 94) 1022
- Sherlock *v.* Bainbridge (41 Ind. 35; 13 Am. Rep. 302) 484, 497, 504
- *v.* Kansas City B. R. Co. (142 Mo. 172; 43 S. W. 629; 64 Am. St. Rep. 551) 1983, 1989, 2021
- *v.* Stuart (96 Mich. 193; 55 N. W. 845) 1016, 1018, 1020
- *v.* Winnetka (59 Ill. 389) 916, 2758, 2770, 2784
- *v.* Winnetka (68 Ill. 530) 1378, 1379, 1401
- Sherman *v.* Benford (10 R. I. 559) 63, 127
- *v.* Carr (8 R. I. 431) 564, 2770
- *v.* Chicago (101 Ill. App. 312) 3014
- *v.* Connor ([Tex. Civ. App.], 72 S. W. 238) 1236
- *v.* Granada (51 Miss. 186) 2840, 2873
- *v.* Kane (86 N. Y. 57) 1561, 1711
- *v.* Kortright (52 Barb. [N. Y.] 267) 2978
- *v.* Langham (92 Tex. 20; 40 S. W. 140) 2679
- *v.* McKeon (38 N. Y. 266) 1719, 1794, 1795
- *v.* Oneonta (21 N. Y. Supp. 137; s. c. 66 Hun [N. Y.] 629) 3034
- *v.* Sherman (18 R. I. 504; 30 Atl. 459) 501
- *v.* Vermillion (51 La. An. 880; 25 So. 538) 2883
- *v.* Williams (77 Tex. 310; 14 S. W. 130) 2984
- Sherman County *v.* Simons (109 U. S. 735) 1430, 1461, 1503
- Sherrard *v.* Lafayette County (3 Dillon C. C. R. 236) 1518, 1537
- Sherrill *v.* O'Brien (188 N. Y. 185; 81 N. E. 124) 842, 843
- Sherwin *v.* Bugbee (17 Vt. 337; s. c. 16 Vt. 439) 442, 443, 456, 830, 831, 832, 884
- Sherwood *v.* Dist. of Columbia (4 Mackey [D. C.] 276; 51 Am. Rep. 776) 3015
- *v.* Hamilton (37 Up. Can. Q. B. 410) 2971, 2990, 3015
- Sheward *v.* Citizens' Water Co. (90 Cal. 635; 27 Pac. 439) 2215, 2216, 2219, 2254
- Shields *v.* Durham (118 N. Car. 450; 24 S. E. 794; 36 L. R. A. 293; s. c. 116 N. Car. 394; 21 S. E. 402) 2814, 2886, 2916
- *v.* McGregor (91 Mo. 534; 4 S. W. 266) 947
- *v.* New York (84 N. Y. App. Div. 502; 82 N. Y. Supp. 1020) 1228
- *v.* Ohio (95 U. S. 319) 2449, 2450

## TABLE OF CASES CITED

391

[References are to pages]

Shields <i>v.</i> Paterson (55 N. J. L. 495; 27 Atl. 803)	2796	Shoalwater <i>v.</i> Armstrong (9 Humph. [Tenn.] 217)	2457
— <i>v.</i> Ross (158 Ill. 214; 41 N. E. 985)	1798, 1799	Shoemaker <i>v.</i> Cincinnati (68 Ohio St. 603; 68 N. E. 1)	2538
Shietart <i>v.</i> Detroit (108 Mich. 309; 66 N. W. 221)	2985	— <i>v.</i> Goshen Tp. Trs. (14 Ohio St. 587)	1360, 1536
Shillito <i>v.</i> Thompson (L. R. 1 Q. B. Div. 112)	1081	— <i>v.</i> Grant County (36 Ind. 175)	2829, 2833
Shiloh Street (165 Pa. 386; 30 Atl. 986)	1824	— <i>v.</i> United States (147 U. S. 282)	1635, 1660, 1674, 1675, 1746, 2493, 2518
Shimer <i>v.</i> Phillipsburg (58 N. J. L. 506; 33 Atl. 852)	1589, 1595, 1597	Shoenberg <i>v.</i> Field (95 Mo. App. 241; 68 S. W. 945)	1209, 2606
Shimmons <i>v.</i> Saginaw (104 Mich. 511; 62 N. W. 725)	1817, 2611	Shook <i>v.</i> State (6 Ind. 113)	762
Shinbone <i>v.</i> Randolph County (56 Ala. 183)	2676	Shoolbred <i>v.</i> Charleston (2 Bay [S. Car.] 63)	2654
Shinkle <i>v.</i> Covington (83 Ky. 420)	2754	Short <i>v.</i> Bullion-Beck, etc. Min. Co. (20 Utah, 20; 57 Pac. 720)	205, 208
— <i>v.</i> Covington (1 Bush [Ky.] 617)	516, 931	— <i>v.</i> New Orleans (4 La. An. 281)	1309
Shinnick <i>v.</i> Marshalltown (137 Iowa, 72; 114 N. W. 542)	2981	— <i>v.</i> State (80 Md. 392; 31 Atl. 322; 29 L. R. A. 404)	2459
Shinzel <i>v.</i> Bell Tel. Co. (31 Pa. Super. Ct. 221)	1930	Shortall <i>v.</i> Fitzsimons & Connell Co. (93 Ill. App. 231)	493
Shipley <i>v.</i> Baltimore & P. R. Co. (34 Md. 336)	1682	Shorter <i>v.</i> Rome (52 Ga. 621)	1420
— <i>v.</i> Fifty Associates (101 Mass. 251; 3 Am. Rep. 344)	2969	Shoshone County <i>v.</i> Mayhew (5 Idaho, 572; 51 Pac. 411)	2656
— <i>v.</i> Fifty Associates (106 Mass. 194; 8 Am. Rep. 318)	2988, 2989, 3031	Shotwell <i>v.</i> Mott (2 Sandf. [N. Y.] Ch. 46)	1579
— <i>v.</i> Gaffner (48 Wash. 169; 93 Pac. 211)	2487	Showalter <i>v.</i> Southern Kan. R. Co. (49 Kan. 421; 32 Pac. 42; s. c. 57 Kan. 681; 47 Pac. 831)	1846
— <i>v.</i> Hacheney (34 Oreg. 303; 55 Pac. 971)	59, 67, 68, 1319, 1321, 1322	Shrader, <i>In re</i> (33 Cal. 279)	560, 1028, 1048
— <i>v.</i> Proctor (177 Mass. 498; 59 N. E. 119)	2966	Shreck <i>v.</i> Coeur d'Alene (12 Idaho, 708; 87 Pac. 1001)	2900
Shipman <i>v.</i> State (43 Wis. 381)	1181	Shreve <i>v.</i> Cicero (129 Ill. 226; 21 N. E. 815)	1627, 1816
Shippers' Compress & Warehouse Co. <i>v.</i> Davidson (35 Tex. Civ. App. 558; 80 S. W. 1032)	3012	Shreveport <i>v.</i> Dantes (118 La. 113; 42 So. 716; 8 L. R. A. n. s. 304)	1083, 1853
Shippy <i>v.</i> Au Sable (85 Mich. 280; 48 N. W. 584)	2985	— <i>v.</i> Draise (111 La. 511; 35 So. 727)	957
Shiras <i>v.</i> Ewing (48 Kan. 170; 29 Pac. 320)	2214	— <i>v.</i> Jones (26 La. An. 708)	2396
— <i>v.</i> Olinger (50 Iowa, 571; 33 Am. Rep. 138)	1049	— <i>v.</i> Levy (26 La. An. 671; 21 Am. Rep. 553)	1018
Shirk <i>v.</i> Chicago (195 Ill. 298; 63 N. E. 193)	1730, 1893, 1896	— <i>v.</i> Prescott (51 La. An. 1895; 26 So. 664; 46 L. R. A. 193)	2380, 2398, 2503, 2576, 2592
— <i>v.</i> Pulaaski County (4 Dillon, 209)	543, 1287, 1295, 1296, 1297, 1308, 1352	— <i>v.</i> Roos (35 La. An. 1010)	1041
Shirley <i>v.</i> Benicia (118 Cal. 344; 50 Pac. 404)	492	— <i>v.</i> St. Louis S. W. R. Co. (115 La. 885; 40 So. 298)	508
— <i>v.</i> Bishop (67 Cal. 543; 8 Pac. 82)	492	— <i>v.</i> Schulsinger (113 La. 9; 36 So. 870)	1112
— <i>v.</i> Lunenburg (11 Mass. 379)	1133	— <i>v.</i> Shreveport City R. Co. (104 La. 260; 29 So. 129)	2592
Shively <i>v.</i> Bowlby (152 U. S. 1; s. c. 22 Oreg. 410; 30 Pac. 154)	481, 482, 483, 491, 495, 497	— <i>v.</i> Walpole (22 La. An. 526)	1892
— <i>v.</i> Lankford (174 Mo. 535; 74 S. W. 835)	441	Shreveport Traction Co. <i>v.</i> Shreveport (122 La. 1; 47 So. 40; 129 Am. St. Rep. 345)	1985, 2239
		Shrewsbury, The (69 Fed. Rep. 1017)	504

## TABLE OF CASES CITED

[References are to pages]

- Shrewsbury *v.* Brown (25 Vt. 197) 1184  
 Shriver *v.* Pittsburgh (66 Pa. 446) 2476  
 Shroder *v.* Lancaster (170 Pa. 136; 32 Atl. 587) 319  
 Shuck *v.* Lebanon (107 Ky. 252; 53 S. W. 655) 2427, 2429  
 — *v.* State (136 Ind. 63; 35 N. E. 993) 639  
 Shuey *v.* United States (92 U. S. 73) 551  
 Shuford *v.* Lincoln County (86 N. Car. 552) 2503  
 Shugars *v.* Hamilton (122 Ky. 606; 92 S. W. 564) 837, 865, 1985  
 Shuler *v.* Willis (126 Ga. 73; 54 S. E. 965) 962  
 Shumate *v.* Heman (181 U. S. 402) 2521, 2527, 2617  
 Shurtleff *v.* Chicago (190 Ill. 473; 60 N. E. 870) 2312  
 — *v.* United States (189 U. S. 311) 788, 791, 792  
 — *v.* Wiscasset (74 Me. 130) 1464  
 Shuter *v.* Philadelphia (3 Phila. [Pa.] 228) 2890  
 Shuttuck *v.* Smith (6 N. Dak. 56; 69 N. W. 5) 232, 892, 893  
 Sibbald *v.* Brickell (59 N. J. L. 420; 36 Atl. 1032) 635  
 Sibley *v.* Mobile (3 Woods C. C. 535) 570  
 — *v.* Pine County (31 Minn. 201; 17 N. W. 337) 1291, 1320  
 — *v.* Sibley (76 N. Y. App. Div. 132; 78 N. Y. Supp. 743) 2258  
 Sic, *Re* (73 Cal. 142; 14 Pac. 405) 968, 971, 972, 1131  
 Sicilian Asphalt Pav. Co. *v.* Williamsport (186 Pa. St. 256; 40 Atl. 471) 1241  
 Sickels *v.* Philadelphia (209 Pa. 113; 58 Atl. 128) 3000  
 — *v.* Manhattan Gaslight Co. (64 How. Pr. [N. Y.] 33) 2211  
 Sides *v.* Portsmouth (59 N. H. 24) 3034  
 Sidway *v.* South Park Com'rs (120 Ill. 496; 11 N. E. 852) 739  
 Siebenhauer, *In re* (14 Nev. 365) 446  
 Siebrecht *v.* New Orleans (12 La. An. 496) 1139  
 Siegel *v.* Chicago (223 Ill. 428; 79 N. E. 280) 1206, 1208  
 — *v.* Liberty (111 Wis. 470; 87 N. W. 487) 2764  
 Siegfried *v.* South Bethlehem (27 Pa. Super. Ct. 456) 3048, 3055, 3056  
 Sievers *v.* San Francisco (115 Cal. 648; 47 Pac. 687; 56 Am. St. Rep. 153) 2901  
 Sights *v.* Yarnalls (12 Gratt. [Va.] 292) 2463, 2658  
 Sigler *v.* Cleveland (3 Ohio N. P. 119) 1055  
 Sigler *v.* Fuller (34 N. J. L. 227) 2506, 2530, 2537, 2564  
 Sikes, *Ex parte* (102 Ala. 173; 15 So. 522; 24 L. R. A. 774) 1001  
 — *v.* Hatfield (13 Gray [Mass.] 347) 731, 1176, 1193  
 — *v.* Ransom (6 Johns. [N. Y.] 279) 2645  
 — *v.* State (67 Ala. 77) 1113  
 Silberman *v.* Hay (59 Ohio St. 582; 53 N. E. 258) 264  
 Silkman *v.* Yonkers Water Com'rs (152 N. Y. 327; 46 N. E. 612) 2213, 2223  
 Sill *v.* Corning (15 N. Y. 297) 625, 944, 1133  
 Silliman *v.* Wing (7 Hill [N. Y.] 159) 2828  
 Silsby *v.* Dunville (31 Upper Can. C. P. 301) 1156  
 Silsby Mfg. Co. *v.* Allentown (153 Pa. 319; 26 Atl. 646) 1206  
 Silver *v.* Tobin (28 Fed. Rep. 545) 475  
 Silver Lake Bank *v.* North (4 Johns. [N. Y.] Ch. 373) 1182  
 Silverman *v.* New York (114 N. Y. Supp. 59) 2892  
 Silverthorn *v.* Warren R. Co. (33 N. J. L. 173) 2721  
 — *v.* Warren R. Co. (33 N. J. L. 372) 2648  
 Silvey *v.* Boyle (20 Utah, 205; 57 Pac. 880) 730, 792  
 Simermeyer *v.* New York (16 N. Y. App. Div. 445; 45 N. Y. Supp. 40) 1199  
 Simis *v.* Brookfield (13 N. Y. Misc. 569; 34 N. Y. Supp. 695) 1886  
 — *v.* Brookfield (34 N. Y. Supp. 695) 1788, 1790, 1897, 1902  
 Simmons *v.* Camden (26 Ark. 276; 7 Am. Rep. 620) 2927  
 — *v.* Cornell (1 R. I. 519) 1733, 1897  
 — *v.* Gardiner (6 R. I. 255) 2609, 2610  
 — *v.* McCarthy (118 Cal. 622; 50 Pac. 761) 2485  
 — *v.* Mumford (2 R. I. 172) 1653  
 — *v.* Nahant (3 Allen [Mass.] 316) 628  
 — *v.* Passaic (38 N. J. L. 60) 2537  
 — *v.* Passaic (42 N. J. L. 524) 1800, 2537  
 — *v.* Passaic (55 N. J. L. 485; 27 Atl. 909) 2601  
 — *v.* Providence (12 R. I. 8) 2930  
 — *v.* State (12 Mo. 268; 49 Am. Dec. 131) 2468, 2469, 2470  
 — *v.* Toledo (4 Ohio Cir. Dec. 69, aff'd 51 Ohio St. 626) 2007  
 — *v.* Toledo (5 Ohio Cir. Ct. 124) 2148  
 Simmons Hardware Co. *v.* Mc-

## TABLE OF CASES CITED

393

[References are to pages]

- Guire (39 La. An. 848; 2 So. 592) 2326
- Simmons Medicine Co. v. Ziegenhein (145 Mo. 368; 47 S. W. 10) 2314
- Simon v. Atlanta (67 Ga. 618; 44 Am. Rep. 739) 1865, 2893
- v. Northup (27 Oreg. 487; 40 Pac. 560) 216, 223, 333, 1768, 1770, 1771, 1799
- Simplot v. Chicago, M. & St. P. R. Co. (5 McCrary C. C. 158) 2009
- v. Chicago, M. & St. P. R. Co. (16 Fed. Rep. 350) 1903
- v. Dubuque (49 Iowa, 630) 1561, 1903
- Simpson, *Ex parte* (47 Cal. 127) 97
- v. Jersey City Contracting Co. (165 N. Y. 193; 58 N. E. 896; 55 L. R. A. 796) 2412
- v. Kansas City (111 Mo. 237; 20 S. W. 38) 1641, 1644, 1652
- v. Lauderdale County (56 Ala. 64) 537
- v. McGonegal (52 Mo. App. 540) 842, 843
- v. Savage (1 Mo. 359) 446
- v. South Oxfordshire Water & Gas Co. (L. R. [1908] 1 K. B. 917) 2209
- v. Whatcom (33 Wash. 392; 74 Pac. 577; 63 L. R. A. 815; 99 Am. St. Rep. 951) 2866, 2880, 2884
- v. Westminster Palace Hotel Co. (8 House Lds. Cas. 712) 1595
- Simpson County v. Buckley (85 Miss. 713; 38 So. 104) 660
- Simpson-Crawford Co. v. Atlantic Highlands (158 Fed. Rep. 372) 2327
- Simrall v. Covington (90 Ky. 444; 14 S. W. 369; 29 Am. St. Rep. 398) 2475, 2476
- v. Covington ([Ky.], 29 S. W. 880; 16 Ky. Law Rep. 770) 1243
- Sims, *Ex parte* (40 Fla. 432; 25 So. 280) 455
- v. Boston Police Com'r (193 Mass. 547; 79 N. E. 824) 818
- v. Butler County (49 Ala. 110) 2950
- v. Chattanooga (1 Lea [Tenn.] 694) 1888, 1892, 1897
- v. Estate Company (14 L. T. N. s. 55) 568
- v. Frankfort (79 Ind. 446) 1734, 1767, 1896, 1902
- v. Hines (121 Ind. 534; 23 N. E. 515) 1279
- v. Hutcheson (72 Ga. 437) 2460
- Simson v. Parker (190 N. Y. 19; 82 N. E. 732, rev'g 113 N. Y. App. Div. 888; 98 N. Y. Supp. 1114) 1594, 1595, 2122, 2128
- Sinclair v. Baltimore (59 Md. 592) 1864, 2964
- v. Young (100 Va. 284; 40 S. E. 907) 2670, 2673
- Sindall v. Baltimore (93 Md. 526; 49 Atl. 645) 2445
- Singer v. New York City (47 N. Y. App. Div. 42; 62 N. Y. Supp. 347) 1628
- Singer Mfg. Co. v. Wright (33 Fed. Rep. 121) 2354, 2470
- v. Wright (97 Ga. 114; 25 S. E. 249; 35 L. R. A. 497) 2470
- Sing Lee, *Ex parte* (96 Cal. 354; 31 Pac. 245; 31 Am. St. Rep. 218) 935, 941, 1061
- Singleton v. Eastern Counties R. Co. (7 C. B. N. s. 287) 2971
- Sinking Fund Cases (99 U. S. 700) 190, 192, 2150
- Sinking Fund Com'rs v. Linden (40 N. J. Eq. 27) 2637, 2641
- Sinnot v. Davenport (22 How. [U. S.] 227) 513
- Sinton v. Ashbury (41 Cal. 525) 116, 199, 222, 224, 1645, 1771, 1783, 1847, 2493, 2654
- v. Carter Co. (23 Fed. Rep. 535) 143
- Sioux City v. Chicago & N. W. R. Co. (129 Iowa, 694; 106 N. W. 183; 113 Am. St. Rep. 501) 1714, 1903
- v. Sioux City Indep. School Dist. (55 Iowa, 150; 7 N. W. 488) 2578
- v. Weare (59 Iowa, 95; 12 N. W. 786) 380, 407, 530, 531, 543, 1340, 1507, 1547
- Sioux C. & P. R. Co. v. Stout (17 Wall. [U. S.] 657; s. c. 2 Dillon, 294) 3017
- v. Washington County (3 Neb. 30) 450, 1672
- Sioux City & St. P. R. Co. v. Osceola County (52 Iowa, 26; 2 N. W. 593) 407
- Sioux City Indep. School Dist. v. Rew (111 Fed. Rep. 1) 1238, 1461, 1466, 1481, 1501, 1503, 1505, 1506
- Sioux City St. R. Co. v. Sioux City (138 U. S. 98, aff'g 78 Iowa, 367; 43 N. W. 224) 2081
- Sioux Falls v. Farmers' Loan & Trust Co. (136 Fed. Rep. 721, rev'g 131 Fed. Rep. 890) 427, 430, 435, 1382, 2160, 2166, 2167
- Sioux Falls v. Kirby (6 So. Dak. 62; 60 N. W. 156) 935, 940
- Sipe v. Murphy (49 Ohio St. 536; 31 N. E. 884; 17 L. R. A. 184) 996
- Sisk v. Cargile (138 Ala. 164; 35 So. 114) 331



[References are to pages]

- Sisson v. Buena Vista Co.* (128 Iowa, 442; 104 N. W. 454) 2622, 2624
- *v. New Bedford* (137 Mass. 255) 2794
- *v. Stonington* (73 Conn. 348; 47 Atl. 662) 2919, 3045
- Sisters of Charity v. Chatham* (52 N. J. L. 373; 20 Atl. 292) 2446
- Sixth Ave. R. Co. v. Kerr* (72 N. Y. 330) 191, 1613, 1979, 2052
- *v. Kerr* (45 Barb. [N. Y.] 63) 1973
- Sixth Dist. Agric. Assoc. v. Wright* (154 Cal. 119; 97 Pac. 144) 1901
- Skaggs v. Martinsville* (140 Ind. 476; 39 N. E. 241; 33 L. R. A. 781; 49 Am. St. Rep. 209) 943
- Skakel v. Roche* (27 Ill. App. 423) 990
- Skaneateles Waterworks Co. v. Skaneateles* (184 U. S. 354, aff'g 161 N. Y. 154; 55 N. E. 562; 46 L. R. A. 687) 1907, 1984, 2137, 2160, 2161, 2166, 2168, 2191
- Skeen v. Lynch* (1 Rob. [Va.] 186) 1695, 1708, 1713
- Skellinger v. Yendes* (12 Wend. [N. Y.] 306) 681
- Skelton v. Larkin* (146 N. Y. 365; 41 N. E. 90) 3029
- Skerritt's Case* (2 Par. [Pa.] 516) 644
- Skewes v. Tennessee C. & I. Co.* (124 Ala. 629; 27 So. 435; 82 Am. St. Rep. 214) 742
- Skillman v. Trenton Police Com'rs* (64 N. J. Law, 489; 45 Atl. 803) 799
- Skinker v. Heman* (148 Mo. 349; 49 S. W. 1026) 2580, 2581
- Skinkle v. Clinton* (39 N. J. L. 656) 2554
- *v. Covington* (1 Bush. [Ky.] 617) 2904
- Skinner v. Bogert* (42 N. J. L. 407) 283
- *v. Harrison* (116 Ind. 139; 18 N. E. 529; 2 L. R. A. 137) 1569, 1577
- *v. Hartford Br. Co.* (29 Conn. 523) 2927
- *v. Hutton* (33 Mo. 244) 1802, 2460
- *v. Morgan* (21 Ill. App. 209) 768
- *v. Santa Rosa* (107 Cal. 464; 40 Pac. 742; 29 L. R. A. 512) 1386
- Skinnners' County v. Irish Soc.* (12 Cl. & F. 487) 2756
- Skobis v. Ferge* (102 Wis. 122; 78 N. W. 426) 1278
- Skowhegan Water Co. v. Skowhegan* (102 Me. 323; 66 Atl. 714) 2295, 2297
- Skutt v. Kent Circuit Judge* (136 Mich. 477; 99 N. W. 405) 2652
- Slack v. East St. Louis* (85 Ill. 377) 2926
- *v. Maysville & L. R. Co.* (13 B. Mon. [Ky.] 1) 346, 458, 569, 1327, 1347, 2396
- Slate v. Blue Ridge* (113 Ga. 646; 38 S. E. 977) 431, 657
- Slater v. Gunn* (170 Mass. 509; 49 N. E. 1017) 1726
- *v. Wood* (9 Bosw. [N. Y.] 15) 669
- Slatten v. Des Moines Val. R. Co.* (29 Iowa, 148; 4 Am. Rep. 205) 1972, 1980, 2000, 2010
- Slattery, In re* (3 Ark. 484) 962, 1118, 1130
- *v. Harley* (58 Neb. 575; 79 N. W. 151) 441
- *v. New York* (31 N. Y. App. Div. 127; 52 N. Y. Supp. 546) 1227
- Slaughter v. Commonwealth* (13 Gratt. [Va.] 767) 995, 2354
- *v. Louisville* (89 Ky. 112; 8 S. W. 917) 2362, 2363
- *v. Meridian L. & R. Co.* ([Miss.], 48 So. 6; 25 L. R. A. n. s. 1265) 2008, 2014
- *v. People* (2 Doug. [Mich.] 334) 971, 1123, 1126
- Slaughter House Cases* (16 Wall. [U. S.] 36) 476, 1012, 1048, 1921
- Slauson v. Racine* (13 Wis. 398) 2427
- Slayton v. Rogers* ([Ky.], 107 S. W. 696) 1399
- Slaytor-Jennings Co. v. Specialty Paper Box Co.* (69 N. J. L. 214; 54 Atl. 247) 2327
- Slee v. Bloom* (5 Johns. Ch. [N. Y.] 366) 717, 720
- Sleeper v. Bullen* (6 Kan. 300) 1248, 1249, 2789, 2791
- *v. Sandown* (52 N. H. 244) 2972, 3002
- Slegel v. Lauer* (148 Pa. 236; 23 Atl. 996) 1563
- Sleight v. People* (74 Ill. 47) 2390
- Slessman v. Crozier* (80 Ind. 487) 952, 957
- Slevin v. Police Fund Com'rs* (123 Cal. 130; 55 Pac. 785) 760
- Slingerland v. International Contracting Co.* (169 N. Y. 60; 61 N. E. 995, aff'g 43 N. Y. App. Div. 215; 60 N. Y. Supp. 12) 498
- *v. Newark* (54 N. J. L. 62; 23 Atl. 129) 1624
- Sloan v. Beebe* (24 Kan. 343) 2631
- *v. Biemiller* (34 Ohio St. 492, 512) 494
- *v. Peoria* (106 Ill. App. 151, 155) 1149
- Sloane v. McConahy* (4 Ohio, 157) 1579
- *v. People's Elect. R. Co.* (7 Ohio Cir. Ct. 84) 2148



[References are to pages]

Sloane v. State (8 Blackf. [Ind.] 361)	144, 443	Smith v. Alexandria (33 Gratt. [Va.] 208)	2921, 3054
Slocum v. Brookline (163 Mass. 23; 39 N. E. 351)	2612	— v. Allen County (131 Ind. 116; 30 N. E. 949)	2856
— v. Neptune (68 N. J. L. 595; 53 Atl. 301)	1799	— v. Americus (89 Ga. 810; 15 S. E. 752)	2427
— v. Ocean Grove (59 N. J. L. 110; 35 Atl. 794)	462, 955	— v. Appleton (19 Wis. 468) 194, 597, 1359	
Slusser v. Burlington (42 Iowa, 378)	2631	— v. Atlanta (75 Ga. 110)	3049
Slutts v. Dana ([Iowa], 109 N. W. 794)	1464	— v. Atlanta (123 Ga. 877; 51 S. E. 741)	908
Small v. Danville (51 Me. 359)	183, 2882	— v. Auburn (88 N. Y. App. Div. 396; 84 N. Y. Supp. 725)	3042, 3044
— v. Edenton (146 N. Car. 527; 60 S. E. 413; 20 L. R. A. n. s. 145)	1886	— v. Automatic Photographic Co. (118 Ill. App. 649)	2649
— v. Kansas City (110 Mo. App. 721; 85 S. W. 627)	3014	— v. Avon-by-the-Sea (68 N. J. L. 243; 52 Atl. 226)	2153
— v. Orne (79 Me. 78; 8 Atl. 152)	858	— v. Baker (14 Pa. County Ct. R. 65)	2395
— v. Prentice (102 Wis. 256; 78 N. W. 415)	2813	— v. Bangs (15 Ill. 399)	2748
Smalley v. Appleton (70 Wis. 340; 35 N. W. 729)	2984, 3025	— v. Barrett (1 Siderf. 162)	1583
— v. Blackburn Ry. Co. (2 H. & N. 158)	1659	— v. Barre Water Co. (73 Vt. 310; 50 Atl. 1055)	2126
— v. Yates (36 Kan. 519; 13 Pac. 845; s. c. 41 Kan. 550; 21 Pac. 622)	896, 1401, 2647, 2648	— v. Bell (70 Ill. App. 490)	1274
Smart v. Philadelphia (205 Pa. 329; 54 Atl. 1025)	1170, 1221	— v. Beloit (122 Wis. 396; 100 N. W. 877)	1690, 1716, 1725
Smead v. Indianapolis, P. & C. P. Co. (11 Ind. 104)	1180, 1232	— v. Birmingham Water Works Co. (104 Ala. 315; 16 So. 123)	2214
Smeltzer v. White (92 U. S. 390)	631, 1288, 1294	— v. Boon (84 L. T. n. s. 593)	1089
Smethurst v. Barton Sq. Ind. Cong. Church (148 Mass. 261; 19 N. E. 387; 12 Am. St. Rep. 550)	2897	— v. Boston (7 Cush. [Mass.] 254)	1843
Smiddy, <i>In re</i> (65 Hun [N. Y.] 620; 19 N. Y. Supp. 949)	2923	— v. Boston (194 Mass. 31; 79 N. E. 786)	2530, 2616
Smiley v. McDonald (42 Neb. 5; 60 N. W. 355)	1025	— v. Boston & A. R. Co. (181 N. Y. 132; 73 N. E. 679, aff'g 99 N. Y. App. Div. 94; 91 N. Y. Supp. 412)	1821, 1823, 2920
Smilie v. Fresno County (112 Cal. 311; 44 Pac. 556)	362, 415	— v. Boston & M. R. Co. (120 Mass. 490; 21 Am. Rep. 538)	3004
Smith, <i>Ex parte</i> (38 Cal. 710)	263	— v. Bourbon County (127 U. S. 105)	1402, 2646, 2655, 2694
—, <i>In re</i> (143 Cal. 368; 77 Pac. 180)	2138	— v. Broderick (107 Cal. 644; 40 Pac. 1033; 48 Am. St. Rep. 167)	346, 411, 417, 437
— (104 Iowa, 199; 73 N. W. 605)	2359	— v. Brooklyn (160 N. Y. 357; 54 N. E. 787, aff'g 32 N. Y. App. Div. 257; 52 N. Y. Supp. 983; s. c. 18 N. Y. App. Div. 340; 46 N. Y. Supp. 141)	2308
— (52 N. Y. 526)	908, 2581	— v. Brooklyn (6 N. Y. App. Div. 134; 39 N. Y. Supp. 990)	744
—, Matter of (99 N. Y. 424; 2 N. E. 52)	2579, 2596	— v. Buffalo (159 N. Y. 427; 54 N. E. 62)	2527, 2577
— (146 N. Y. 68; 40 N. E. 497; 28 L. R. A. 820; 48 Am. St. Rep. 769)	1030	— v. Buffalo (51 N. Y. Misc. 216; 99 N. Y. Supp. 986)	2781
—, <i>In re</i> (Hempst. 201)	968	— v. Buffalo (90 Hun [N. Y.] 118; 35 N. Y. Supp. 635)	1690, 1708, 1716, 1730
— v. Aberdeen (25 Miss. 458)	1665, 2396, 2494	— v. Burlington (129 Wis. 336; 109 N. W. 79)	278, 280, 281
— v. Adrian (1 Mich. 495)	625	— v. Cairo (48 Ill. App. 166)	3000
— v. Alabama (124 U. S. 465)	2338	— v. Capital Gas Co. (132 Cal.	
— v. Albany (61 N. Y. 444)	1143, 1149		

[References are to pages]

209; 64 Pac. 258; 54 L. R. A. 769)	2216	Smith v. Great South Bay Water Co. (82 N. Y. App. Div. 427; 81 N. Y. Supp. 812)	2304
Smith v. Central Dist. P. & T. Co. (2 Ohio Cir. Ct. 259)	1928	— v. Hard (59 Vt. 13; 8 Atl. 317)	2636
— v. Cheshire (13 Gray [Mass.] 318)	456, 1293, 1295, 1346	— v. Haverhill (187 Mass. 323; 72 N. E. 988)	803
— v. Chicago (169 Ill. 257; 48 N. E. 445)	2452	— v. Heath (102 Ill. 130)	1704
— v. Chicago (107 Ill. App. 270, aff'd 204 Ill. 356; 68 N. E. 395)	2115	— v. Helmer (7 Barb. [N. Y.] 416)	133
— v. Chicago Sanitary Dist. (108 Ill. App. 69)	1199, 1226, 1228	— v. Heuston (6 Ohio, 101; 25 Am. Dec. 741)	1747, 1755, 1791
— v. Cincinnati (4 Ohio, 514)	2930	— v. Howell (60 N. J. L. 384; 38 Atl. 180)	2509
— v. Clark County (54 Mo. 58)	1420, 1517, 1518, 1542, 1546	— v. Hubbell (142 Mich. 637; 106 N. W. 547)	775
— v. Claussen Park Drainage Dist. (229 Ill. 155; 82 N. E. 278)	1641	— v. Huntington (3 N. H. 76; 14 Am. Dec. 331)	567
— v. Clinton (53 N. J. L. 329; 21 Atl. 304)	955	— v. Hutchinson (8 Rich. [S. Car.] Law, 260)	2831
— v. Collier (118 Ga. 306; 45 S. E. 417)	1051	— v. Indianapolis St. R. Co. (158 Ind. 425; 63 N. E. 849)	334
— v. Commonwealth (41 Pa. St. 335)	731, 733	— v. Inge (80 Ala. 283)	179, 1711 1713
— v. Cox (115 Ala. 503; 22 So. 78)	2485	— v. Jackson & B. C. Traction Co. (137 Mich. 20; 100 N. W. 121)	2007
— v. Cronkhite (8 Ind. 134)	679	— v. Janesville (52 Wis. 680; 9 N. W. 789)	440
— v. Cumberland County (42 Me. 395)	882	— v. Kansas City, St. J. & C. B. R. Co. (98 Mo. 20; 11 S. W. 259)	2010, 2021, 2022
— v. Davis (22 App. D. C. 298)	2962	— v. Kernochen (7 How. [U. S.] 198)	447
— v. Dedham (8 Cush. [Mass.] 522)	2957	— v. Knoxville (3 Head [Tenn.] 245)	926, 1018
— v. Dedham (144 Mass. 177; 10 N. E. 782)	362	— v. Law (21 N. Y. 296)	864, 865, 867
— v. Detroit (120 Mich. 572; 79 N. W. 808)	2641	— v. Leavenworth (15 Kan. 81)	3030
— v. Dickey (74 Tex. 61; 11 S. W. 1049)	423	— v. Lock (18 Mich. 56)	1718
— v. Donnelly (66 Ill. 464)	676	— v. Los Angeles (99 Cal. 628; 34 Pac. 439)	1400
— v. Dublin (113 Ga. 833; 39 S. E. 327)	1384	— v. Lowell (6 Allen [Mass.] 39)	3018
— v. Duncan (77 Ind. 92)	2598	— v. McCarthy (56 Pa. St. 359)	127, 128, 618, 644, 2729
— v. East End St. R. Co. (87 Tenn. 626; 11 S. W. 709)	2002	— v. McCutchen (146 Ala. 455; 41 So. 619)	1314, 1315, 2676
— v. Eaton County (56 Mich. 217; 22 N. W. 267)	2667	— v. McDowell (148 Ill. 51; 35 N. E. 141)	449, 1784, 1785, 1787, 1839, 1857, 1874
— v. Eau Claire (78 Wis. 457; 47 N. W. 830)	2928	— v. Madison (7 Ind. 86)	453, 997, 1040, 1114
— v. Elberton (5 Ga. App. 286; 63 S. E. 48)	2820	— v. Madison (30 La. An. 461)	1340
— v. Fletcher (3 Eng. 305)	3045	— v. Magourich (44 Ga. 163)	2772
— v. Flora (64 Ill. 93)	1695	— v. Marston (5 Tex. 426)	2320
— v. Fond du Lac (8 Fed. Rep. 289)	570	— v. Maryland (18 How. [U. S.] 71)	485
— v. Gardner (12 Oreg. 221; 6 Pac. 771; 53 Am. Rep. 342)	1710	— v. Mercer County (104 Ky. 596; 47 S. W. 596)	1496
— v. Gates (21 Pick. [Mass.] 55)	567	— v. Metropolitan Gasl. Co. (12 How. Pr. [N. Y.] 187)	1916
— v. Gould (61 Wis. 31; 20 N. W. 369)	771, 3049	— v. Milwaukee (18 Wis. 63)	1250, 3015, 3045
— v. Gouldy (58 N. J. L. 562; 34 Atl. 748)	952, 988		
— v. Grayson County (18 Tex. Civ. App. 153; 44 S. W. 921)	334		

# TABLE OF CASES CITED

397

[References are to pages]

Smith v. Minto (30 Oreg. 351; 48 Pac. 166)	2596, 2603	Smith v. Rome (19 Ga. 89; 63 Am. Dec. 298)	1816, 1817
— v. Moore (90 Ind. 294)	639	— v. Ryan (130 N. Y. 653; 29 N. E. 1033)	3028
— v. Moore (1 C. B. 438)	552	— v. Ryan (8 N. Y. Supp. 853)	3002
— v. Morse (2 Cal. 524)	194, 222, 461, 464, 548	— v. Sac County (11 Wall. [U. S.] 139)	1475, 1545
— v. Morse (148 Mass. 407; 19 N. E. 393)	1059	— v. Sacramento (13 Cal. 531)	1243, 1245, 1246
— v. Nashville (4 Lea [Tenn.] 69)	564, 1247	— v. St. Joseph (45 Mo. 449)	2993, 2998, 3001
— v. Nashville (88 Tenn. 464; 12 S. W. 924; 7 L. R. A. 469)	2118, 2432	— v. St. Joseph (42 Mo. App. 392)	3016
— v. Natchez Steamboat Co. (1 How. [Miss.] 479)	717	— v. St. Louis Mutual Life Ins. Co. (3 Tenn. Ch. Rep. 631)	1814
— v. Newark (32 N. J. Eq. 1)	2748	— v. St. Paul (72 Minn. 472; 75 N. W. 708)	1716
— v. Newbern (70 N. Car. 14; 16 Am. Rep. 766)	449, 1074	— v. Salt Lake City (83 Fed. Rep. 784)	1236
— v. Newburgh (77 N. Y. 130)	450, 1169, 1185 1191	— v. San Antonio (17 Tex. 643)	1132
— v. Newcastle (48 N. H. 70)	2861	— v. San Luis Obispo (95 Cal. 463; 30 Pac. 591)	1705, 1723, 1725, 1744
— v. New Orleans (23 La. An. 5)	1284	— v. Seattle (25 Wash. 300; 65 Pac. 612)	348, 436, 2224, 2555, 2556
— v. New York (10 N. Y. 504, aff'g s. c. 4 Sandf. S. C. R. 221)	1225	— v. Sedalia (152 Mo. 283; 53 S. W. 907)	3042
— v. New York (37 N. Y. 518)	646, 728, 746	— v. Sedalia (182 Mo. 1; 81 S. W. 165)	3052, 3053
— v. New York (66 N. Y. 295)	3013, 3015, 3038, 3039, 3040, 3055, 3056	— v. Sheely (12 Wall. [U. S.] 35)	1580
— v. New York (21 How. [N. Y.] Pr. 1)	1197	— v. Sherry (50 Wis. 210; 6 N. W. 561)	618
— v. New York (12 N. Y. App. Div. 391; 42 N. Y. Supp. 522)	1241	— v. Sherwood Township (62 Mich. 159; 28 N. W. 806)	2970
— v. New York (17 N. Y. App. Div. 438; 45 N. Y. Supp. 239)	3020	— v. Simmons (103 Pa. 32; 49 Am. Rep. 113)	1869
— v. Oconomowoc (49 Wis. 694; 6 N. W. 329)	2747	— v. Sioux City (119 Iowa, 50; 93 N. W. 81)	3014
— v. Omaha (49 Neb. 883; 69 N. W. 402)	2455, 2489, 2530, 2537, 2566	— v. Smith (2 Pick. [Mass.] 621; 13 Am. Dec. 464)	2971
— v. Ormsby (20 Wash. 396; 55 Pac. 570; 72 Am. St. Rep. 110)	406, 1496	— v. Smith (1 Bailey [S. Car.] 70)	741
— v. Osage (80 Iowa, 84; 45 N. W. 404; 8 L. R. A. 633)	1903	— v. Smith (3 Desaus [S. Car.] 557)	588, 783
— v. Peoria County (59 Ill. 412)	1339	— v. State (19 Conn. 493)	721
— v. Philadelphia County (2 Pars. [Pa.] 293)	734	— v. State (29 Fla. 408; 10 So. 894)	1310
— v. Philadelphia (81 Pa. 38; 22 Am. Rep. 731)	1911, 2210, 2845	— v. State (23 N. J. L. 130, aff'd 23 N. J. L. 712)	1706, 1710, 1715, 1784, 1785, 1787, 1890
— v. Portland (30 Fed. Rep. 734)	1717, 1723	— v. Stephan (66 Md. 381; 7 Atl. 561; 10 Atl. 671)	763, 1139
— v. Proctor (130 N. Y. 319; 29 N. E. 312)	655, 656	— v. Stoughton (185 Mass. 329; 70 N. E. 195)	2109
— v. Readfield (27 Me. 145)	2832	— v. Strother (68 Cal. 194; 8 Pac. 852)	148
— v. Reeves (178 U. S. 436)	2259	— v. Syracuse Imp. Co. (161 N. Y. 484; 55 N. E. 1077)	1209
— v. Renville County (64 Minn. 16; 65 N. W. 956)	660	— v. Tallassee, &c. Pl. R. Co. (30 Ala. 650)	606
— v. Rochester (76 N. Y. 506)	2846, 2869, 2871, 2873, 2894	— v. Taylor (34 Tex. 589)	1661
— v. Rockford (4 Ohio N. P. n. s. 513)	2764	— v. Tecumseh Nat. Bank (17 Mich. 479)	2827

## TABLE OF CASES CITED

[References are to pages]

- Smith *v.* Tripp (13 R. I. 152) 2925,  
 3038, 3042  
 — *v.* Turner (7 How. [U. S.] 283,  
 passenger cases) 2320, 2337  
 — *v.* Union Switch & Signal Co.  
 (17 Pa. Super. Ct. 444) 1738, 1745  
 — *v.* Van Buren County (125  
 Iowa, 454; 101 N. W. 186) 743, 744  
 — *v.* Warden (19 Pa. St. 426) 1631  
 — *v.* Washington (20 How. [U.  
 S.] 135) 1809, 1817, 1819, 2921,  
 2924, 2928, 2929, 2938  
 — *v.* Waterbury (54 Conn. 174;  
 7 Atl. 17) 729  
 — *v.* Wendell (7 Cush. [Mass.]  
 498) 2962, 2973, 2974, 2978, 2985  
 — *v.* Westerly (19 R. I. 437; 35  
 Atl. 526) 1921, 2159, 2160  
 — *v.* Westport (105 Mo. App.  
 221; 79 S. W. 725) 2453, 2632  
 — *v.* Wetmore (167 N. Y. 234;  
 60 N. E. 419) 1231  
 — *v.* Whitney (116 U. S. 167) 2800  
 — *v.* Wildes (143 Mass. 556; 10  
 N. E. 446) 2972  
 — *v.* Wilmington (98 N. Car. 343;  
 4 S. E. 489) 659, 1534  
 — *v.* Wingate (61 Tex. 54) 683  
 — *v.* Worcester (182 Mass. 232;  
 65 N. E. 40; 59 L. R. A. 728) 2536  
 — *v.* Wright (24 Barb. [N. Y.]  
 170) 767  
 Smith's Case (4 Mod. 53; s. c. 12  
 Mod. 17) 588, 589, 594  
 Smith Canal Co. *v.* Denver (20  
 Colo. 84; 36 Pac. 844) 1178  
 Smoot *v.* Hart (33 Ala. 69) 469  
 — *v.* Somerville (59 Md. 84) 722  
 — *v.* Wetumpka (24 Ala. 112) 440,  
 1832, 1833, 2993  
 Smyth *v.* Ames (169 U. S. 466; s.  
 c. 171 U. S. 361) 1605, 2149, 2226,  
 2227, 2228, 2229, 2248, 2250, 2251,  
 2257, 2258, 2259, 2260, 2266, 2267,  
 2274, 2277, 2281, 2283, 2284, 2288  
 — *v.* Bangor (72 Me. 249) 765, 766,  
 2968, 2997  
 — *v.* Brooklyn Union Elev. R.  
 Co. (193 N. Y. 335; 85 N. E.  
 1100; 23 L. R. A. N. s. 433, mod-  
 ifying 121 N. Y. App. Div. 282;  
 105 N. Y. Supp. 601) 1967  
 — *v.* Darley (2 House of Lords  
 Cases, 789) 828, 865  
 Smythe *v.* Chicago (197 Ill. 311;  
 64 N. E. 361) 2453  
 — *v.* New Providence (158 Fed.  
 Rep. 213) 1371  
 — *v.* United States (188 U. S. 156) 765  
 Snader *v.* Murphy (19 Pa. Super.  
 Ct. 35) 3014, 3028  
 Snapp *v.* Commonwealth (82 Ky.  
 173) 765  
 Sneath *v.* Mager (64 N. J. L. 94;  
 44 Atl. 983) 298  
 Sneeson *v.* Kupfer (21 R. I. 460;  
 45 Atl. 579) 2985  
 Snell, *In re* (58 Vt. 207; 1 Atl.  
 566) 1113  
 — (30 Upper Can. Q. B. 81) 952,  
 1079, 1082  
 — *v.* Belleville Ins. Co. (98 U. S.  
 85) 2834  
 — *v.* Chicago (133 Ill. 413; 24  
 N. E. 532; 8 L. R. A. 858) 1798,  
 1799, 1800, 2058, 2388  
 — *v.* Clinton El. L. H. & P. Co.  
 (196 Ill. 626; 63 N. E. 1082; 58  
 L. R. A. 284; 89 Am. St. Rep.  
 341, rev'g 95 Ill. App. 552) 2205  
 — *v.* Leonard (55 Iowa, 553; 8  
 N. W. 425) 570  
 Snelling *v.* Joffrion (42 La. An.  
 886; 8 So. 609) 1340  
 Snelson *v.* State (16 Ind. 29) 2834  
 Snider *v.* St. Paul (51 Minn. 466;  
 53 N. W. 763) 2880, 2887  
 Snipes *v.* Winston (126 N. Car. 374;  
 35 S. E. 610; 78 Am. St. Rep.  
 666) 1143, 1149  
 Snoddy *v.* Bolen (122 Mo. 479; 24  
 S. W. 142; 25 S. W. 932) 1687, 1691  
 Snook *v.* Anaconda (26 Mont. 128;  
 66 Pac. 756) 2952  
 — *v.* Brantford (14 Up. Can. Q.  
 B. 255) 3044  
 Snouffer *v.* Cedar Rapids & M. C.  
 R. Co. (118 Iowa, 287; 92 N. W.  
 79) 464, 989, 2029 2063  
 Snow *v.* Adams (1 Cush. [Mass.]  
 443) 2978  
 — *v.* Fitchburg (136 Mass. 179) 2617,  
 2622, 2794  
 — *v.* Housatonic R. Co. (8 Allen  
 [Mass.] 441; 85 Am. Dec. 720) 3018  
 — *v.* Provincetown (109 Mass.  
 123) 2922  
 Snowball *v.* People (147 Ill. 260;  
 35 N. E. 538) 2730  
 Snowden *v.* Loree (122 Fed. Rep.  
 493) 1704  
 Snyder *v.* West Hammond (225  
 Ill. 154; 80 N. E. 93) 1559, 2620  
 Snyder *v.* Albion (113 Mich. 275;  
 71 N. W. 475) 2814, 3014  
 — *v.* Barber Asphalt Pav. Co.  
 ([Ky.], 73 S. W. 1118) 2456  
 — *v.* Bovaird (122 Pa. 442; 15  
 Atl. 910; 9 Am. St. Rep. 118) 1293,  
 1312, 1318  
 — *v.* Ft. Madison St. R. Co. (105  
 Iowa, 284; 75 N. W. 179; 41  
 L. R. A. 345) 2006  
 — *v.* Kantner (190 Pa. 440; 42  
 Atl. 884) 1346  
 — *v.* Lawrence (8 Kan. 82) 999

## TABLE OF CASES CITED

399

[References are to pages]

- Snyder v. Lexington* ([Ky.], 20 Ky. Law Rep. 1562; 49 S. W. 765) 1813, 2901
- *v. Mt. Pulaski* (176 Ill. 397; 52 N. E. 62; 44 L. R. A. 407) 1867, 1868
- *v. Neptune* (68 N. J. L. 595; 53 Atl. 301) 269
- *v. New York* (74 N. Y. App. Div. 421; 77 N. Y. Supp. 637) 1281
- *v. Pennsylvania R. Co.* (55 Pa. 340) 2010
- *v. Rockport* (6 Ind. 237) 510, 2000, 2918, 2924, 2933
- Society v. Vandyke* (2 Whart. [Pa.] 309) 809
- Society, &c. v. New London* (29 Conn. 174) 569
- *v. Pawlet* (4 Pet. [U. S.] 480) 121, 443
- *v. Young* (2 N. H. 310) 607
- Society for Establishing Useful Manufactures v. Paterson* (42 N. J. L. 615) 2509, 2538
- Society for Propagating the Gospel v. Wheeler* (2 Gall. 139) 2443
- Society for Sav. v. New London* (29 Conn. 174) 1428, 1439, 1518, 1535, 1544
- Society for Visitation, &c. v. Commonwealth* (52 Pa. St. 125; 91 Am. Dec. 139) 796, 798, 819
- Sohier v. Trinity Church* (109 Mass. 1) 1032
- Sollenbarger v. Lineville* (141 Iowa, 203; 119 N. W. 618) 2820
- Solomon, Ex parte* (91 Cal. 440; 27 Pac. 757) 1110
- *v. Hughes* (24 Kan. 211) 440, 873, 874
- Solon v. Williamsburgh Sav. Bank* (114 N. Y. 122; 21 N. E. 168) 1363, 1376, 1493, 1540
- Solyer v. Romanet* (52 Tex. 562) 441
- Somers v. Bridgeport* (60 Conn. 521; 22 Atl. 1015) 654, 842, 854
- *v. Westcoat* (66 N. J. L. 551; 49 Atl. 462) 2797
- Somerset v. Parson* (105 Pa. St. 360) 849
- *v. Smith* (105 Ky. 678; 49 S. W. 456) 837, 875, 2156
- *v. Somerset Banking Co.* (109 Ky. 549; 60 S. W. 5) 640, 837, 875
- Somerville v. Dickerman* (127 Mass. 272) 450, 1672, 1804
- *v. O'Neil* (114 Mass. 353) 1783
- *v. Waltham* (170 Mass. 160; 48 N. E. 1092) 1567, 2432
- *v. Wood* (115 Ala. 534; 22 So. 476) 1292, 1317
- Somerville & E. R. Co. v. Doughty* (22 N. J. L. 495) 1677, 1683
- Sommercamp v. Kelly* (8 Idaho, 712; 71 Pac. 147) 643, 867
- Sommers v. Marshfield* (90 Wis. 59; 62 N. W. 937) 2814
- Somonauk v. People* (178 Ill. 631; 53 N. E. 314) 143
- Sonn v. Heilberg* (38 N. Y. App. Div. 515; 56 N. Y. Supp. 341) 1069
- Sonoma County v. Stofen* (125 Cal. 32; 57 Pac. 681) 763
- Sonoma County Bank v. Fairbanks* (52 Cal. 196) 199
- Sonova H. Com'rs v. Carthage* (27 Ill. 140) 2793
- Soon Hing v. Crowley* (113 U. S. 703) 554, 914, 927, 1158
- Soper v. Henry County* (26 Iowa, 264) 65, 2852, 2950, 2993, 2994
- Sorensen v. Greeley* (10 Colo. 369; 15 Pac. 803) 1998
- Sorocco v. Geary* (3 Cal. 69) 2847
- Soulard v. St. Louis* (36 Mo. 546) 2874, 2875
- Soule v. Grand Trunk R. Co.* (21 Up. Can. C. P. 308) 2978
- *v. New York & N. H. R. Co.* (24 Conn. 575) 3006
- *v. Passaic* (47 N. J. Eq. 28; 20 Atl. 346) 3043
- *v. People* (205 Ill. 618; 69 N. E. 22) 124, 126
- *v. Seattle* (6 Wash. 315; 33 Pac. 384, 1080) 368, 1306
- South & North Alabama R. Co. v. Donovan* (84 Ala. 141; 4 So. 142) 2067
- South Amboy v. New York & L. B. R. Co.* (66 N. J. L. 623; 50 Atl. 368) 1732, 1736, 1739
- South Baltimore Harbor Imp. Co. v. Smith* (85 Md. 537; 37 Atl. 27) 1697, 1704
- South Bay, &c. Co. v. Gray* (30 Me. 547) 717
- South Bend v. Cushing* (123 Ind. 290; 24 N. E. 114) 2427
- *v. Lewis* (138 Ind. 512; 37 N. E. 986) 654, 655, 660, 661, 662
- *v. Martin* (142 Ind. 31; 41 N. E. 315; 29 L. R. A. 531) 2323
- *v. Notre Dame Univ.* (69 Ind. 344) 2443
- *v. Paxon* (65 Ind. 228) 3053, 3054
- *v. Reynolds* (155 Ind. 70; 57 N. E. 706; 49 L. R. A. 795) 358, 362, 364, 376
- South Berwick v. County Com'rs* (98 Me. 108; 56 Atl. 623) 1704
- South Boston Iron Co. v. United States* (118 U. S. 37, aff'g 18 Court of Claims, 165) 1239
- South Bound R. Co. v. Burton* (67 S. Car. 515; 46 S. E. 340) 2013, 2030



## TABLE OF CASES CITED

[References are to pages]

- South Brooklyn R. & T. Co., *In re* (50 Hun [N. Y.] 405; 2 N. Y. Supp. 613) 2033
- South Carolina v. United States (199 U. S. 437, aff'g 39 Ct. of Claims Rep. 257) 2437
- South Carolina R. Co. v. Steiner (44 Ga. 546) 1991, 2012
- South Chicago City R. Co. v. Chicago (196 Ill. 490; 63 N. E. 1046) 2592
- South Covington & C. St. R. Co. v. Berry (93 Ky. 43; 18 S. W. 1026; 15 L. R. A. 604; 40 Am. St. Rep. 161) 991
- South Covington & C. S. R. Co. v. Newport, L. & A. Turnpike Co. (110 Ky. 691; 62 S. W. 687) 1723
- South Covington Dist. v. Kenton Water Co. (117 Ky. 489; 78 S. W. 420) 2114, 2292
- South East & St. L. R. Co. v. Evansville & M. V. Elect. R. Co. (169 Ind. 339; 82 N. E. 765; 13 L. R. A. N. s. 916) 1983
- South Hampton v. Fowler (52 N. H. 225) 628
- South Haven v. Van Buren Probate Judge (140 Mich. 117; 103 N. E. 521) 508
- South Highland L. & Imp. Co. v. Kansas City (172 Mo. 523; 72 S. W. 944) 2613, 2614, 2615
- South Hutchinson v. Barnum (63 Kan. 872; 66 Pac. 1035) 1464, 1503
- South Jersey Tel. Co. v. Woodbury (73 N. J. L. 276; 63 Atl. 4) 907
- South Market Street, Matter of (67 Hun [N. Y.] 594; 22 N. Y. Supp. 432) 1662
- (76 Hun [N. Y.] 85; 27 N. Y. Supp. 843) 872
- South Newmarket Methodist Seminary Trustees v. Peaslee (15 N. H. 317) 607, 610, 1579, 1580
- South Omaha v. Cunningham (31 Neb. 316; 47 N. W. 930) 2965
- v. Meyers ([Neb.], 92 N. W. 743) 2999
- v. Powell (50 Neb. 798; 70 N. W. 391) 2975
- v. Taylor ([Neb.], 96 N. W. 209) 3002
- v. Tighe (67 Neb. 572; 93 N. W. 946) 2596
- South Ottawa v. Foster (20 Ill. 296) 2951
- v. Perkins (94 U. S. 360) 1407, 1479, 1480, 1517
- South Park Com'rs v. Chicago, B. & Q. R. Co. (107 Ill. 105) 2593
- v. Dunlevy (91 Ill. 49) 203, 1319, 2391
- South Park Com'rs v. First Nat. Bank (177 Ill. 234; 52 N. E. 365) 2391
- v. Williams (51 Ill. 57) 1635
- South Pasadena v. Pasadena L. & W. Co. (152 Cal. 579; 93 Pac. 490) 2122, 2123, 2129, 2134, 2139, 2225
- South Portland v. Cape Elizabeth (92 Me. 328; 42 Atl. 503; 69 Am. St. Rep. 506) 627
- South R. R. Co., *In re* (5 Ind. 165) 809
- South St. Paul v. Lamprecht Bros. Co. (88 Fed. Rep. 449) 521, 1375, 1461
- South School District v. Blakeslee (13 Conn. 227) 831, 870, 888
- South Shore Traction Co. v. Brookhaven (116 N. Y. App. Div. 749; 102 N. Y. Supp. 75) 1958, 1961
- South Twelfth Street (217 Pa. 362; 66 Atl. 568) 1630
- South Yorkshire & R. D. R. Co. v. Great Northern Railway Co. (9 Ex. 55) 630, 631
- Southampton v. Graves (8 Term R. 592) 887
- Southard v. Boyd (51 N. Y. 177) 1146, 1152
- Southeast v. New York (96 N. Y. App. Div. 598; 89 N. Y. Supp. 630) 2909, 2911
- Souther v. Gloucester (187 Mass. 552; 73 N. E. 558) 2212
- Souther Iron Co. v. Laclede Power Co. (109 Mo. App. 353; 84 S. W. 450) 2217
- Southerland v. Goldsboro (96 N. Car. 49; 1 S. E. 760) 659
- Southern Bell Tel. & Tel. Co. v. Mobile (162 Fed. Rep. 523) 1922, 1923, 1927, 1984, 1985
- v. Richmond (103 Fed. Rep. 31, aff'g 98 Fed. Rep. 671) 914, 1926, 1952
- Southern Bell Tel. Co. v. Francis (109 Ala. 224; 19 So. 1; 55 Am. St. Rep. 930) 1096, 1098, 1820, 1931
- Southern Boulevard R. Co. v. People's Traction Co. (5 N. Y. App. Div. 330; 39 N. Y. Supp. 266) 2149
- Southern Bldg. & Loan Assoc. v. Norman (98 Ky. 294; 32 S. W. 952; 31 L. R. A. 41) 2354
- Southern Cal. R. Co. v. Workman (146 Cal. 80; 79 Pac. 586; 82 Pac. 79;) 2588
- Southern Car & Foundry Co. v. State (133 Ala. 624; 32 So. 235) 2354



[References are to pages]

- Southern Cotton Oil Co. *v.* Bull  
 (116 Ga. 776; 43 S. E. 52) 1990  
 — *v.* Wemple (44 Fed. Rep. 24) 2354  
 Southern Development Co. of Ne-  
 vada *v.* Douglass (26 Nev. 50;  
 63 Pac. 38) 2796  
 Southern Elect. L. & P. Co. *v.*  
 Philadelphia (191 Pa. 170; 43  
 Atl. 123) 2590  
 Southern Express Co. *v.* Ensley  
 (116 Fed. Rep. 756) 990, 2343  
 — *v.* Mobile (49 Ala. 404) 2468  
 — *v.* Rose Co. (124 Ga. 581; 53  
 S. E. 185; 5 L. R. A. N. S. 619) 1015  
 Southern Indiana R. Co. *v.* Indi-  
 ana Railroad Com'n (172 Ind.  
 113; 87 N. E. 966) 2227  
 Southern Kan. R. Co. *v.* Johnson  
 County (52 Kan. 138; 34 Pac.  
 396) 1616  
 — *v.* Oklahoma City (12 Okla.  
 82; 69 Pac. 1050) 1607, 1617, 1646  
 — *v.* Sharpless (62 Kan. 841;  
 62 Pac. 662) 1846  
 Southern Pac. Co. *v.* California  
 Railroad Com'n (78 Fed. Rep.  
 236) 2259, 2284  
 — *v.* Denton (146 U. S. 202) 2358  
 — *v.* Hyatt (132 Cal. 240; 64  
 Pac. 272) 1896  
 — *v.* Pomona (144 Cal. 339; 77  
 Pac. 929) 1703, 1712  
 — *v.* Western Pac. R. Co. (144  
 Fed. Rep. 160) 495, 496, 509  
 Southern Pacific R. [Co. *v.* Ferris  
 (93 Cal. 263; 28 Pac. 828) 1733  
 — *v.* Reed (41 Cal. 256) 1972, 1982,  
 1999, 2010, 2012  
 — *v.* Wilson (49 Cal. 256) 1646  
 Southern Pav. Co. *v.* Chattanooga  
 ([Tenn. Ch. App.], 48 S. W. 92) 1261,  
 1278  
 Southern R. Co. *v.* Ables (153 Ala.  
 523; 45 So. 234) 1835, 1842  
 — *v.* Atlanta R. & P. Co. (111  
 Ga. 679; 36 S. E. 873) 1983, 2006,  
 2007  
 Southern R. Co. *v.* Combs (124  
 Ga. 1004; 53 S. E. 508) 1710  
 — *v.* Greenville (49 S. Car. 449;  
 27 S. E. 652) 1321  
 — *v.* Memphis (97 Fed. Rep.  
 819) 1959  
 — *v.* Morris (143 Ala. 628; 42  
 So. 17) 2080  
 Southampton, &c. Bridge Co. *v.*  
 Southampton Local Board (8  
 El. & Bl. 812) 2837  
 Southington *v.* Southington Water  
 Co. (80 Conn. 646; 69 Atl. 1023)  
 2188  
 Southington First Cong. Soc. *v.*  
 Atwater (23 Conn. 34) 1577  
 Southport *v.* Stanly (125 N. Car.  
 464; 34 S. E. 641) 1583  
 Southwark Dist. Com'rs *v.* Neil  
 (3 Yeates [Pa.] 54) 513  
 Southwark R. Co. *v.* Philadelphia  
 (47 Pa. St. 314) 1771  
 Southwestern R. Co. *v.* Georgia  
 (92 U. S. 676) 2449  
 Southwestern State Normal School  
 Case (213 Pa. 244; 62 Atl. 908)  
 1738  
 Southwestern State Normal School  
 (26 Pa. Super. Ct. 99) 1611, 1719  
 Southwest Missouri Light Co. *v.*  
 Scheurich (174 Mo. 235; 73  
 S. W. 496) 2126, 2142  
 Southworth *v.* Flanders (33 La.  
 An. 190) 777  
 — *v.* Railroad Co. (2 Mich. 287) 133  
 Soutter *v.* Madison (15 Wis. 30) 193,  
 597, 2675  
 Sower *v.* Philadelphia (35 Pa. St.  
 231) 895, 1651, 1657, 1659  
 Sowers *v.* Cincinnati, R. & M. R.  
 Co. (162 Ind. 676; 71 N. E. 134)  
 1651, 1654  
 Sowle *v.* Tomah (81 Wis. 349; 51  
 N. W. 571) 2820  
 Sowles *v.* St. Albans (71 Vt. 418;  
 45 Atl. 1050) 2531  
 Spain, *In re* (47 Fed. Rep. 208;  
 14 L. R. A. 97) 2326  
 Spain *v.* Hamilton's Admr. (1  
 Wall. [U. S.] 604) 1300  
 Spalding *v.* Denver (33 Colo. 172;  
 80 Pac. 126) 2618  
 — *v.* Macomb & W. I. Co. (225  
 Ill. 585; 80 N. E. 327) 1690, 2029,  
 2030  
 Spalding Lumber Co. *v.* Brown (171  
 Ill. 487; 49 N. E. 725) 66, 1265,  
 1274, 1275, 1276  
 Spangler *v.* Jacoby (14 Ill. 297; 58  
 Am. Dec. 571) 873  
 Spann *v.* State (14 Ala. 588) 2460  
 Sparhawk *v.* Salem (1 Allen  
 [Mass.] 30; 79 Am. Dec. 700) 2961,  
 2964, 2973, 2974  
 Sparks, *Ex parte* (120 Cal. 395; 52  
 Pac. 715) 116  
 Sparks *v.* Villa Rosa Land Co. (99  
 Mo. App. 489; 74 S. W. 120) 2634  
 Sparr *v.* St. Louis (4 Mo. App.  
 572) 2977  
 Spaulding *v.* Andover (54 N. H.  
 38) 178, 182  
 — *v.* Baxter (25 Ind. App. 485;  
 58 N. E. 551) 2603  
 — *v.* Brady (128 Mo. 653; 31  
 S. W. 103) 316  
 — *v.* Lowell (23 Pick. [Mass.]  
 71) 71, 76, 77, 451, 455, 456, 459,  
 1074, 1180, 1595

[References are to pages]

- Spaulding v. Mott* (167 Ind. 58; 76 N. E. 620) 2535  
 — *v. North San Francisco Homestead Assoc.* (87 Cal. 40; 24 Pac. 600; 25 Pac. 249) 2599  
 — *v. Peabody* (153 Mass. 129; 26 N. E. 421) 2109  
 — *v. Smith* (162 Mass. 543; 39 N. E. 189) 1059  
*Speaker v. Glass* (3 Privy Council Appeals, 560) 789  
*Spear v. Cummings* (23 Pick. [Mass.] 224; 34 Am. Dec. 53) 774  
 — *v. Robinson* (29 Me. 531) 640, 832  
 — *v. Westbrook* (104 Me. 496; 72 Atl. 311; 20 L. R. A. n. s. 804) 2821  
*Spearman v. Texarkana* (58 Ark. 348; 24 S. W. 883) 1149, 1150  
*Specht v. Central Pass. R. Co.* (76 N. J. L. 631; 68 Atl. 785) 1967  
 — *v. Commonwealth* (8 Pa. St. 312; 49 Am. Dec. 518) 1095  
 — *v. Detroit* (20 Mich. 168) 1646, 1648, 1649  
 — *v. Louisville* ([Ky.], 22 Ky. Law Rep. 699; 58 S. W. 607) 621, 906  
 — *v. Louisville Water Co.* (117 Ky. 414; 78 S. W. 142) 2214  
*Speck v. Kenoyer* (164 Ind. 431; 73 N. E. 896) 1640  
*Speed v. Brown* (10 B. Mon. [Ky.] 108) 471, 742  
 — *v. Crawford* (3 Met. [Ky.] 207) 154, 176  
 — *v. Detroit* (97 Mich. 198; 56 N. W. 570) 680, 859, 2658  
 — *v. Detroit* (98 Mich. 360; 57 N. W. 406; 22 L. R. A. 842; 39 Am. St. Rep. 555) 783, 788, 799, 800, 2799  
 — *v. Detroit* (100 Mich. 92; 58 N. W. 638) 2653  
*Speer v. Athens* (85 Ga. 49; 11 S. E. 802; 9 L. R. A. 402) 2502, 2530, 2563, 2568  
 — *v. Blairsville* (50 Pa. 150) 2425  
 — *v. Kearney County* (88 Fed. Rep. 749) 122, 123, 1291, 1294, 1297, 1531  
 — *v. School Directors* (50 Pa. St. 150) 568, 573  
*Speir v. Brooklyn* (139 N. Y. 6; 34 N. E. 727; 21 L. R. A. 641; 36 Am. St. Rep. 664) 1865, 2868, 2981  
 — *v. New Uprecht* (121 N. Y. 420; 24 N. E. 692) 1712, 1714  
*Spellman v. Caledonia* (117 Wis. 254; 94 N. W. 27) 2855  
 — *v. Chicopee* (131 Mass. 443) 2821  
*Spelman v. Portage* (41 Wis. 144) 2903  
*Spencer v. Andrew* (82 Iowa, 14; 47 N. W. 1007; 12 L. R. A. 115) 1868  
 — *v. Arlington* (49 Wash. 121; 94 Pac. 904) 1725, 1730  
 — *v. Hudson County* (66 N. J. L. 301; 49 Atl. 483) 1831  
 — *v. Mahon* (75 S. Car. 232; 55 S. E. 321) 1870  
 — *v. Merchant* (125 U. S. 345, aff'g 100 N. Y. 585; 3 N. E. 682) 2316, 2317, 2364, 2366, 2370, 2371, 2499, 2501, 2518, 2520, 2523, 2527, 2528, 2637  
 — *v. Nemaha School Dist.* (15 Kan. 259) 2775  
 — *v. People* (68 Ill. 510) 2389  
 — *v. Peterson* (41 Oreg. 257; 68 Pac. 519, 1108) 1737  
 — *v. Point Pleasant & O. R. Co.* (23 W. Va. 406) 1664, 2940, 2949  
*Spengler v. Trowbridge* (62 Miss. 46) 450, 454  
*Sperb v. Metropolitan Elev. R. Co.* (137 N. Y. 155; 32 N. E. 1050) 2045  
 — *v. Metropolitan Elev. R. Co.* (137 N. Y. 596; 33 N. E. 319) 2043  
*Sperry v. Flygare* (80 Minn. 325; 83 N. W. 177; 49 L. R. A. 757; 81 Am. St. Rep. 261) 2554  
 — *v. Horr* (32 Iowa, 184) 568  
*Spiceland v. Alier* (98 Ind. 467) 3013  
*Spidell v. Johnson* (128 Ind. 235; 25 N. E. 889) 1391, 1395  
*Spiegel v. Gansberg* (44 Ind. 418) 1835, 1837, 1838  
*Spiegler v. Chicago* (216 Ill. 114; 74 N. E. 718) 1106  
*Spillane v. Fitchburg* (177 Mass. 87; 58 N. E. 176; 83 Am. St. Rep. 262) 2966  
*Spilman v. Parkersburg* (35 W. Va. 605; 14 S. E. 279) 350, 359, 437  
*Spires v. Los Angeles* (150 Cal. 64; 87 Pac. 1026) 1749, 1750  
*Spiritual Atheneum Soc. of W. R. v. Randolph* (58 Vt. 192; 2 Atl. 747) 2646, 2679  
*Spitler v. Young* (63 Mo. 42) 960, 964  
*Spitzer v. Blanchard* (82 Mich. 234; 46 N. W. 400) 1480  
 — *v. Fulton* (33 N. Y. Misc. 257; 68 N. Y. Supp. 660) 1385  
 — *v. Runyan* (113 Iowa, 619; 85 N. W. 782) 1835, 1838, 1845, 2838  
*Spofford v. Southern Boulevard R. Co.* (15 Daly [N. Y.] 162; 4 N. Y. Supp. 388) 2024  
*Spohr v. Chicago* (206 Ill. 441; 69 N. E. 515) 1675

## TABLE OF CASES CITED

403

[References are to pages]

Spokane v. Colby (16 Wash. 610; 48 Pac. 248)	1929	Spring Valley Water Works v. San Francisco (124 Fed. Rep. 574)	2234, 2248, 2254, 2266, 2269, 2271, 2273, 2281, 2283, 2288, 2291
— v. Patterson (46 Wash. 93; 89 Pac. 402)	1061	— v. San Francisco (82 Cal. 286; 22 Pac. 910, 1046; 6 L. R. A. 756; 16 Am. St. Rep. 116)	2115, 2216, 2234, 2251
— v. Preston (46 Wash. 98; 89 Pac. 406)	2600	— v. San Mateo Water Works (64 Cal. 123; 28 Pac. 447)	1633
— v. Robison (6 Wash. 547; 33 Pac. 960)	1048, 1121	— v. Schottler (110 U. S. 347)	2226, 2229, 2231, 2232, 2755
Spokane Falls & N. R. Co. v. Abitz (38 Wash. 8; 80 Pac. 192)	2487	Springer v. Bowdoinham (7 Me. 442)	2978, 3021
Spokane Street R. Co. v. Spokane Falls (6 Wash. 521; 33 Pac. 1072)	1948, 1990	— v. Clay County (35 Iowa, 243)	631, 1288
Spokes v. Banbury (L. R. 1 Eq. 42)	1041	— v. United States (102 U. S. 586)	2477, 2520
Spooner v. Holmes (102 Mass. 503; 3 Am. Rep. 491)	1546	Springfield v. Burns (51 Ill. App. 595)	2991
Sprague v. Coenen (30 Wis. 209)	2485	— v. Connecticut Riv. R. Co. (4 Cush. [Mass.] 63)	1933, 1971, 2003
— v. Minon (195 Mass. 581; 81 N. E. 284)	2203	— v. Davis (80 Mo. App. 574)	2632
— v. Norway (31 Cal. 173)	643	— v. Doyle (76 Ill. 202)	3014
— v. Rochester (159 N. Y. 20; 53 N. E. 697)	3019	— v. Edwards (84 Ill. 626)	349, 351, 354, 356, 367, 368, 373, 437, 547, 2770, 2772
— v. Tripp (13 R. I. 38; 43 Am. Rep. 11)	2875	— v. Green (120 Ill. 269; 11 N. E. 261)	2529, 2545, 2550
— v. Waite (17 Pick. [Mass.] 309)	1733, 1736, 1898	— v. Hampden County (10 Pick. [Mass.] 59)	2715
— v. Worcester (13 Gray [Mass.] 193)	2918, 3037, 3038, 3057	— v. Harris (107 Mass. 532)	1183, 1237
Spratt v. Helena Power Transmis- sion Co. (37 Mont. 60; 94 Pac. 631)	2125	— v. Kirby (73 Mo. App. 640)	2635
Spray v. Thompson (9 Iowa, 40)	1655, 1657	— v. Knott (49 Mo. App. 612)	895
Spring v. Hyde Park (137 Mass. 554; 50 Am. Rep. 334)	2898	— v. Le Claire (49 Ill. 476)	3016, 3021, 2023, 3026, 3027
Spring Brook Water Co. v. Kelly (17 Pa. Super. Ct. 347)	2590	— v. People's Deposit Bank (111 Ky. 105; 63 S. W. 271)	865
— v. Pittston (203 Pa. 223; 52 Atl. 249)	2293, 2294	— v. Robberson Ave. R. Co. (69 Mo. App. 514)	1786, 1953
Spring City v. Montgomery & C. Elect. R. Co. (35 Pa. Sup. Ct. 533)	1953, 1958	— v. Rosenmeyer (52 Ill. App. 301)	3001
Spring Steel Fence & Wire Co. v. Anderson (32 Ind. App. 138; 69 N. E. 404)	2608	— v. Sale (127 Ill. 359; 20 N. E. 86)	2537, 2548, 2549
Spring Valley v. Gavin (182 Ill. 232; 54 N. E. 1035)	2999	— v. Schmook (68 Mo. 394)	1681
— v. Spring Valley Coal Co. (71 Ill. App. 452)	440	— v. Smith (138 Mo. 645; 40 S. W. 757; 60 Am. St. Rep. 569)	2386, 2420, 2472, 2476
Spring Valley Coal Co. v. Spring Valley (65 Ill. App. 571)	2850	— v. Spence (40 Ohio St. 665)	3040
— v. Spring Valley (96 Ill. App. 230)	2850	— v. Springfield St. R. Co. (182 Mass. 41; 64 N. E. 577)	1951
Spring Valley Water Co. v. San Francisco (165 Fed. Rep. 667)	2254, 2257, 2269, 2271, 2277, 2283, 2284, 2291	— v. Starke (93 Mo. App. 70)	925, 1082
Spring Valley Water Works v. Bartlett (8 Sawyer C. C. R. 555; 16 Fed. Rep. 615)	917, 918, 2257, 2755	— v. Walker (42 Ohio St. 543)	1240
— v. Bryant (52 Cal. 132)	2117	— v. Weaver (137 Mo. 650; 37 S. W. 509; 39 S. W. 276)	2369
		Springfield Fire & Marine Ins. Co. v. Graves County Water & Light Co. (120 Ky. 40; 85 S. W. 205)	2305

[References are to pages]

- Springfield Fire & Marine Ins. Co.  
*v. Keeseville* (148 N. Y. 46;  
 42 N. E. 405; 30 L. R. A. 660;  
 51 Am. St. Rep. 667, rev'g 80  
 Hun [N. Y.] 162; 29 N. Y.  
 Supp. 1130) 182, 183, 2301, 2302,  
 2485, 2893
- Springfield R. Co. *v. Springfield*  
 (85 Mo. 674) 2752
- Springfield Safe Deposit & Trust  
 Co. *v. Attica* (85 Fed. Rep. 387) 233,  
 334, 1526
- Springfield Water Co. *v. Darby*  
 (199 Pa. 400; 49 Atl. 275) 1084
- Springport *v. Teutonia Sav. Bank*  
 (75 N. Y. 397) 1538
- Springville *v. Fullmer* (7 Utah,  
 450; 27 Pac. 577) 2131
- *v. Johnson* (10 Utah, 351;  
 39 Pac. 577) 2432, 2434
- Springwells *v. Detroit, P. & N. R.*  
 Co. (140 Mich. 277; 103 N. W.  
 700) 1962
- *v. Wayne County* (58 Mich.  
 240; 25 N. W. 329) 628
- Sproul *v. Seattle* (17 Wash. 256;  
 49 Pac. 489) 3012, 3020
- *v. Stockton* (73 N. J. L. 158;  
 62 Atl. 275) 897
- Sprowl *v. Laurence* (33 Ala. 674) 679
- Spurrier *v. Bland* ([Ky.], 20 Ky.  
 Law Rep. 1340; 49 S. W. 467) 1695,  
 1704
- Squier *v. State* (66 Ind. 317) 1113
- Squire *v. Cartwright* (67 Hun [N.  
 Y.] 218; 22 N. Y. Supp. 899) 2779
- *v. Preston* (82 Hun [N. Y.]  
 88; 31 N. Y. Supp. 174) 1192,  
 2779, 2780
- Squires *v. Chillicothe* (89 Mo. 226;  
 1 S. W. 23) 3016
- Staates *v. Washington* (44 N. J.  
 L. 605; 43 Am. Rep. 402) 867,  
 1015, 1018
- *v. Washington* (45 N. J. L.  
 318) 870, 986, 987, 1015, 1017,  
 1121
- Stacey *v. Glen Ellyn Hotel Co.*  
 (223 Ill. 546; 79 N. E. 133) 1705,  
 1724
- Stack *v. Commonwealth* (118 Ky.  
 481; 81 S. W. 917) 649
- *v. East St. Louis* (85 Ill. 377;  
 28 Am. Rep. 619) 1771, 2931,  
 2945, 3036, 3037, 3041
- *v. Portsmouth* (52 N. H.  
 221) 2963, 2984, 3013
- Stackpole *v. Healy* (16 Mass. 33) 1825
- Stadler *v. Detroit* (13 Mich. 346) 667,  
 744, 792, 808
- *v. Fahey* (87 Ill. App. 411) 735
- Staffon *v. Lyon* (104 Mich. 249;  
 62 N. W. 354) 775, 1271
- Stafford, *In re* (1 O'M. & H. 234) 644
- *v. Albany* (7 Johns. [N. Y.]  
 541) 1655
- *v. Chippewa Val. El. R. Co.*  
 (110 Wis. 331; 85 N. W. 1036) 925,  
 928
- *v. Hamston* (2 B. & B. 691) 2495
- *v. Oskaloosa* (57 Iowa, 748;  
 11 N. W. 668) 2974, 2991
- *v. Oskaloosa* (64 Iowa, 251;  
 20 N. W. 174) 2991
- *v. Providence* (10 R. I. 567;  
 14 Am. Rep. 710) 1677
- Stafford County *v. First Nat.*  
 Bank (48 Kan. 561; 30 Pac. 22) 2479
- Staffordshire & W. Canal Nav. *v.*  
 Propr. Birmingham Nav. (L.  
 R. 1 E. & I. App. 254) 1890
- Stahl *v. Lee* (71 Kan. 511; 80  
 Pac. 983) 1013
- *v. Trenton* (54 N. J. L. 444;  
 24 Atl. 478) 300
- Stahle *v. Poth* (220 Pa. 335; 69  
 Atl. 864) 1861
- Stahlhut *v. Bauer* (51 Neb. 64;  
 70 N. W. 496) 788
- Stainback *v. Meridian* (79 Miss.  
 447; 28 So. 947; 30 So. 607) 2999
- Stainton *v. Metropolitan Bd. of*  
 Works (23 Beav. 225; 3 Jur.  
 n. s. 257) 3051
- Stalder *v. Huntington* (153 Ind.  
 354; 55 N. E. 88) 3024
- Staley *v. Columbus* (36 Mich. 38) 2479
- *v. New York* (37 N. Y. App.  
 Div. 598; 56 N. Y. Supp. 237) 2966
- Stallcup *v. Tacoma* (13 Wash. 141;  
 42 Pac. 541; 52 Am. St. Rep.  
 25) 1410
- Stamford *v. Fisher* (140 N. Y. 187;  
 35 N. E. 500, aff'g 63 Hun [N.  
 Y.] 123; 17 N. Y. Supp. 609) 1853
- Stamper *v. Roberts* (90 Mo. 683;  
 3 S. W. 214) 621
- Stamps *v. Burk* (83 Ark. 351; 104  
 S. W. 153) 2462
- Stanchfield *v. Newton* (142 Mass.  
 110; 7 N. E. 703) 3037
- Standard Cattle Co. *v. Baird* (8  
 Wyo. 144; 56 Pac. 598) 331
- Standard Oil Co. *v. Fredericksburg*  
 (105 Va. 82; 52 S. E. 817) 2335,  
 2471, 2475
- Standard Underground Cable Co.  
*v. Attorney General* (46 N. J.  
 Eq. 270; 19 Atl. 733; 19 Am.  
 St. Rep. 394) 2348, 2470
- Standart *v. Burtis* (46 Hun [N. Y.]  
 82) 2778, 2780
- Standiford, *In re* (5 Mackey [D.  
 C.] 549) 911
- Standly *v. Perry* (23 Grant [U. C.]  
 507) 1155

## TABLE OF CASES CITED

405

[References are to pages]

- Stanford v. San Francisco** (111 Cal. 198; 43 Pac. 605) 3042, 3044  
**Stange v. Dubuque** (62 Iowa, 303; 17 N. W. 518) 927  
 — *v. Hill & W. D. S. R. Co.* (54 Iowa, 669; 7 N. W. 115) 1990, 2872  
**Staniland v. Hopkins** (9 M. & W. 178) 724, 727  
**Stanislaus County v. San Joaquin & K. R. Irr. Co.** (192 U. S. 201) 2117, 2229, 2243, 2246, 2275, 2276, 2278, 2290  
**Stanley v. Albany County** (121 U. S. 535) 2501  
 — *v. Colt* (5 Wall. [U. S.] 119) 1526  
 — *v. Davenport* (54 Iowa, 463; 2 N. W. 1064; 6 N. W. 706; 37 Am. Rep. 216) 1977, 2003, 2844, 2872, 2977, 2978, 2983  
 — *v. Passaic* (60 N. J. Law, 392; 38 Atl. 181) 1221  
**Stanley County v. Coler** (113 Fed. Rep. 705; 190 U. S. 437) 1407, 1461, 1466, 1511  
**Stanley-Taylor Co. v. Board of Sup'rs** (135 Cal. 486; 67 Pac. 783) 2659  
**Stanly County v. Snuggs** (121 N. Car. 394; 28 S. E. 539; 39 L. R. A. 439) 1511  
**Stansbury v. White** (121 Cal. 433; 53 Pac. 940) 1213  
**Stanton v. Camp** (4 Barb. [N. Y.] 274) 1174  
 — *v. Chicago* (154 Ill. 23; 39 N. E. 987) 2453  
 — *v. Hoboken* (52 N. J. L. 88; 18 Atl. 685) 860, 861  
 — *v. Salem* (145 Mass. 476; 14 N. E. 519) 3016  
 — *v. Shipley* (27 Fed. Rep. 498) 1393  
 — *v. Springfield* (12 Allen [Mass.] 566) 2955, 2966, 2967, 3021  
 — *v. Wolmesdorff* (55 W. Va. 601; 47 S. E. 245) 2713  
**Stanwood v. Malden** (157 Mass. 17; 31 N. E. 702; 16 L. R. A. 591) 1843  
**Staple v. Spring** (10 Mass. 72) 1684  
**Staples v. Canton** (69 Mo. 592) 2965, 2993  
 — *v. Somerville* (176 Mass. 237; 57 N. E. 380) 1282, 1588  
**Stapleton v. Newburgh** (9 N. Y. App. Div. 39; 41 N. Y. Supp. 96) 1728, 1730, 2967  
**Starin v. Edson** (42 Hun [N. Y.] 549, rev'd 112 N. Y. 206; 19 N. E. 670) 1590, 1591, 2148, 2773, 2778, 2780  
 — *v. Genoa* (23 N. Y. 439, rev'g 29 Barb. [N. Y.] 442) 534, 569, 570, 580, 583, 1405, 1408, 1428, 1533, 1534, 1538, 1539  
**Stark v. Boston** (180 Mass. 293; 62 N. E. 375) 2536, 2583  
 — *v. Lancaster* (57 N. H. 88) 2975  
**Starkey v. Minneapolis** (19 Minn. 203) 1171, 1221  
**Starks v. State** (38 Tex. Crim. Rep. 233; 42 S. W. 379) 988  
**Starling v. Bedford** (94 Iowa, 194; 62 N. W. 674) 2817  
**Starr v. Burlington** (45 Iowa, 87) 902, 2452, 2602, 2607, 2609  
 — *v. Camden & A. R. Co.* (24 N. J. L. 592) 1852, 2003, 2011  
 — *v. Rochester* (6 Wend. [N. Y.] 564) 1135, 2798, 2872  
**State v. Adams** (161 Mo. 349; 61 S. W. 894) 1292, 2658  
 — *v. Adams County Road Com'rs* (1 Miss. 368) 773  
 — *v. Addington* (77 Mo. 110) 554, 1007  
 — *v. Addison* (2 S. Car. 499) 2444  
 — *v. Adler* (68 Miss. 487; 9 So. 645) 2383  
 — *v. Aetna Life Ins. Co.* (117 Ind. 251; 20 N. E. 144) 2593  
 — *v. Ahnapee* (99 Wis. 322; 74 N. W. 783) 2661  
 — *v. Aitkin* (61 Neb. 490; 87 N. W. 153) 280, 284  
 — *v. Aitken* (62 Neb. 428; 87 N. W. 153) 101  
 — *v. Albright* (11 N. Dak. 22; 88 N. W. 729) 1316  
 — *v. Alder* (87 Wis. 554; 58 N. W. 1045) 174  
 — *v. Alexander* (107 Iowa, 177; 77 N. W. 841) 854  
 — *v. Alexander* (129 Iowa, 538; 105 N. W. 1021) 2736  
 — *v. Allen* (21 Ind. 516) 724, 728  
 — *v. Allen* (178 Mo. 555; 77 S. W. 868) 430, 1382, 1386, 2120  
 — *v. Allen* (183 Mo. 283; 82 S. W. 103) 422, 423, 429, 430, 435  
 — *v. Allen* (186 Mo. 673; 85 S. W. 531) 1382  
 — *v. Allgeyer* (110 La. 839; 34 So. 798) 2320  
 — *v. Alling* (12 Ohio, 16) 844  
 — *v. Allison* (155 Mo. 325; 56 S. W. 467) 2720  
 — *v. Ambbs* (20 Mo. 214) 1095  
 — *v. Ames* (31 Minn. 440; 18 N. W. 277) 2657  
 — *v. Ames* (87 Minn. 23; 96 N. W. 18) 281, 297  
 — *v. Ancker* (2 Rich. [S. Car.] 245) 723



[References are to pages]

State <i>v.</i> Anderson (26 Fla. 240; 8 So. 1) 2730	State <i>v.</i> Back (72 Neb. 402; 100 N. W. 952; 69 L. R. A. 447) 2341
— <i>v.</i> Anderson (26 Neb. 517; 42 N. W. 421) 659	— <i>v.</i> Bacon (6 Neb. 286) 2673
— <i>v.</i> Anderson (52 N. J. L. 150; 18 Atl. 584) 2660	— <i>v.</i> Bailey (7 Iowa, 390) 2645, 2665, 2706, 2708, 2709, 2715
— <i>v.</i> Anderson (44 Ohio St. 247; 6 N. E. 571) 285, 286, 317	— <i>v.</i> Baker (170 Mo. 194; 70 S. W. 470) 2366
— <i>v.</i> Anderson (45 Ohio St. 196; 12 N. E. 656) 838, 858, 2729	— <i>v.</i> Baker (170 Mo. 383; 70 S. W. 872) 2798
— <i>v.</i> Anderson County (8 Baxter [Tenn.] 249) 1343	— <i>v.</i> Baker (55 Ohio St. 1; 44 N. E. 516) 250, 265, 280, 285
— <i>v.</i> Angert (127 Mo. 456; 30 S. W. 118) 2595	— <i>v.</i> Baldwin (62 Minn. 518; 65 N. W. 80) 2442, 2484
— <i>v.</i> Applegarth (81 Md. 293; 31 Atl. 961; 28 L. R. A. 812) 2468, 2470, 2473	— <i>v.</i> Baldwin (77 Ohio St. 532; 83 N. E. 907; 19 L. R. A. N. s. 49) 2672
— <i>v.</i> Archibald (5 No. Dak. 359; 66 N. W. 234) 2669	— <i>v.</i> Ballard (16 Wash. 418; 47 Pac. 970) 232, 2480, 2638
— <i>v.</i> Armstrong (54 Minn. 457; 56 N. W. 97) 910	— <i>v.</i> Baltimore & O. R. Co. (3 How. [U. S.] 534) 1596
— <i>v.</i> Armstrong (3 Sneed [Tenn.] 634) 105, 110	— <i>v.</i> Baltimore & O. R. Co. (12 Gill & Johns. [Md.] 399; 38 Am. Dec. 317) 152
— <i>v.</i> Armstrong (19 Utah, 117; 56 Pac. 1076) 2366	— <i>v.</i> Baltimore, O. & C. R. Co. (120 Ind. 298; 22 N. E. 307) 1785
— <i>v.</i> Arnold (136 Mo. 446; 38 S. W. 79) 310	— <i>v.</i> Bangor (98 Me. 114; 56 Atl. 589) 2655
— <i>v.</i> Ashland (88 Wis. 599; 60 N. W. 1001) 2451	— <i>v.</i> Bank of Smyrna (2 Houst. [Del.] 99; 73 Am. Dec. 699) 2443
— <i>v.</i> Associated Press (159 Mo. 410; 60 S. W. 91; 51 L. R. A. 151; 81 Am. St. Rep. 368) 2710	— <i>v.</i> Barbelais (101 Me. 512; 64 Atl. 881) 1083, 1853
— <i>v.</i> Atkin (64 Kan. 174; 67 Pac. 519; s. c. 191 U. S. 207; 97 Am. St. Rep. 343) 209	— <i>v.</i> Barbour (53 Conn. 76; 22 Atl. 686; 55 Am. Rep. 65) 148, 666, 857, 858, 859
— <i>v.</i> Atkinson (24 Vt. 448) 1568, 1752, 1784, 1785	— <i>v.</i> Barge (82 Minn. 256; 84 N. W. 911) 925, 1019
— <i>v.</i> Atlantic City (34 N. J. L. 99) 462, 948, 1648, 1972	— <i>v.</i> Bargas (53 Ohio St. 94; 41 N. E. 245; 53 Am. St. Rep. 628) 262, 265, 287
— <i>v.</i> Atlantic Coast Line (48 Fla. 114; 37 So. 652) 2713	— <i>v.</i> Barker (116 Iowa, 96; 89 N. W. 204; 57 L. R. A. 244; 93 Am. St. Rep. 222) 59, 148, 149, 151, 153, 175, 201, 616, 2393
— <i>v.</i> Auditor (36 Mo. 70) 2653	— <i>v.</i> Barksdale (5 Humph. [Tenn.] 154) 2802
— <i>v.</i> Augustine (113 Mo. 21; 20 S. W. 651; 35 Am. St. Rep. 696) 724	— <i>v.</i> Barlow (48 Mo. 17) 1197, 1198, 1202, 1212, 2659
— <i>v.</i> Axtell (41 N. J. L. 117) 2446	— <i>v.</i> Barnes (51 Kan. 688; 33 Pac. 621) 680
— <i>v.</i> Ayers (49 Oreg. 61; 88 Pac. 653; 10 L. R. A. N. s. 992; 124 Am. St. Rep. 1036) 1110	— <i>v.</i> Barnes (3 N. Dak. 319; 55 N. W. 883) 655, 656
— <i>v.</i> Babcock (112 Iowa, 250; 83 N. W. 908) 956	— <i>v.</i> Barnes (22 Okla. 191; 97 Pac. 997) 2089
— <i>v.</i> Babcock (17 Neb. 188; 22 N. W. 372) 659, 662	— <i>v.</i> Barret (25 Mont. 112; 63 Pac. 1030) 1319
— <i>v.</i> Babcock (19 Neb. 223; 27 N. W. 94) 1372	— <i>v.</i> Barret (30 Mont. 203; 81 Pac. 349) 2707
— <i>v.</i> Babcock (19 Neb. 230; 27 N. W. 98) 1349, 1367	— <i>v.</i> Bartlett (35 Wis. 387) 3024
— <i>v.</i> Babcock (20 Neb. 522; 31 N. W. 8) 2451	— <i>v.</i> Bartley (41 Neb. 277; 59 N. W. 907) 1291
— <i>v.</i> Babcock (22 Neb. 614; 35 N. W. 941) 523, 1342	— <i>v.</i> Baughman (38 Ohio St. 455) 160, 176, 264
— <i>v.</i> Babcock (24 Neb. 640; 39 N. W. 783) 404	



# TABLE OF CASES CITED

407

[References are to pages]

State v. Bayonne (35 N. J. L. 335) 894, 897, 2610	State v. Blake (86 Minn. 37; 90 N. W. 5) 2455
— v. Beacom (66 Ohio St. 491; 64 N. E. 427; 90 Am. St. Rep. 599) 104, 251, 252, 285	— v. Blakemore (104 Mo. 349; 15 S. W. 960) 723
— v. Bean (91 N. Car. 554) 996, 2398, 2462	— v. Blanchard (6 La. An. 515) 636
— v. Beardsley (13 Utah, 502; 45 Pac. 569) 719, 2734	— v. Blaser (36 La. An. 363) 1079, 2379, 2381
— v. Beattie (16 Mo. App. 131) 1003	— v. Blue Earth County Dist. Ct. (102 Minn. 482; 113 N. W. 697; 114 N. W. 654) 2636, 2637, 2640
— v. Bechel (22 Neb. 158; 34 N. W. 342) 585, 659	— v. Blumberg (46 Wash. 270; 89 Pac. 708) 1316
— v. Beeman (35 Me. 242) 1768	— v. Blundell (24 N. J. L. 402) 2397
— v. Bell (119 Mo. 70; 24 S. W. 765) 117, 284	— v. Board of Assessors (35 La. An. 651) 2378, 2440
— v. Bell (34 Ohio St. 194) 461, 462, 1968	— v. Board of Assessors (47 La. An. 1498; 18 So. 462) 2379, 2440
— v. Bellflower (129 Mo. App. 138; 108 S. W. 117) 2736	— v. Board of Assessors (111 La. 982; 36 So. 91) 1351, 2378, 2439, 2440
— v. Bellin (79 Minn. 131; 81 N. W. 763) 2486	— v. Board of Canvassers (32 Mont. 13; 79 Pac. 402) 2698, 2725
— v. Beloit (20 Wis. 79) 1586, 2676, 2679	— v. Board of Education (38 Ohio St. 3) 764
— v. Bemenderfer (96 Ind. 374) 639	— v. Board of Elections (24 Ohio Cir. Ct. R. 654) 2651
— v. Bengsch (170 Mo. 81; 70 S. W. 710) 2386, 2461, 2462	— v. Board of Levee Com'rs (109 La. 403; 33 So. 385) 485, 497
— v. Bennett (19 Neb. 191; 26 N. W. 714) 2463, 2464, 2468	— v. Board of Police Com'rs (113 La. 424; 37 So. 16) 821, 2650
— v. Benton (29 Neb. 460; 45 N. W. 794) 659, 662, 1385	— v. Board of Public Works (36 Ohio St. 409) 1317
— v. Berdetta (73 Ind. 185; 38 Am. Rep. 117) 1767, 1784, 1869, 1870	— v. Boardman (93 Me. 73; 44 Atl. 118; 46 L. R. A. 750) 1854
— v. Bergen (33 N. J. L. 39) 897, 906, 907	— v. Bobleter (83 Minn. 479; 86 N. W. 461) 764
— v. Bergen (34 N. J. L. 439) 440	— v. Bollinger County (48 Mo. 475) 2677
— v. Bergman (6 Oreg. 341) 972	— v. Bolte (151 Mo. 362; 52 S. W. 262; 74 Am. St. Rep. 537) 2656
— v. Berkeley (140 Mo. 184; 41 S. W. 732) 638, 639	— v. Bonnell (119 Ind. 494; 21 N. E. 1101) 957
— v. Berkeley (64 S. Car. 194; 41 S. E. 961) 285	— v. Bonner (Busbee L. [N. Car.] 257) 2661
— v. Bersch (83 Mo. App. 657) 649, 2656	— v. Boone County (78 Neb. 271; 110 N. W. 629) 1618
— v. Bill (13 Ired. [N. Car.] Law, 373) 1109, 2792, 2797, 2799	— v. Boone County Court (50 Mo. 317) 334
— v. Binder (38 Mo. 450) 128, 448, 658, 845, 923, 966	— v. Borden (164 Mo. 221; 64 S. W. 172) 273
— v. Bingham (14 Ohio Cir. Ct. R. 245) 2729	— v. Born (97 Wis. 542; 73 N. W. 105) 1314
— v. Birch (186 Mo. 205; 85 S. W. 361) 121, 621, 925, 2427, 2736	— v. Boscawen (32 N. H. 331) 1833, 2802
— v. Birkhauser (37 Neb. 521; 56 N. W. 303) 1213, 2596	— v. Botkin (71 Iowa, 87; 32 N. W. 185; 60 Am. Rep. 780) 1041
— v. Birmingham (160 Ala. 196; 48 So. 843) 2736	— v. Boucher (3 N. Dak. 389; 56 N. W. 142; 21 L. R. A. 539) 722
— v. Birmingham (74 Iowa, 407; 38 N. W. 121) 1711, 1729	— v. Bowden (80 Kan. 49; 101 Pac. 654) 2740
— v. Bixman (162 Mo. 1; 62 S. W. 823) 2387	
— v. Black River Phosphate Co. (32 Fla. 82; 13 So. 640; 21 L. R. A. 189) 483	

## TABLE OF CASES CITED

[References are to pages]

- State *v.* Bowers (26 Ohio Cir. Ct. 326, aff'd 70 Ohio, 423; 72 N. E. 1155) 671, 2656  
 — *v.* Bowman (66 S. Car. 140; 44 S. E. 569) 1311  
 — *v.* Boyd (31 Neb. 682; 48 N. W. 739; 51 N. W. 602) 639, 640  
 — *v.* Boyd (49 Neb. 303; 68 N. W. 510) 1888  
 — *v.* Boyden (18 S. Dak. 388; 100 N. W. 763) 2654  
 — *v.* Bracco (103 N. Car. 349; 9 S. E. 404) 2326  
 — *v.* Bradbury (40 Me. 154) 1710, 1728  
 — *v.* Bradford (32 Vt. 50) 2738  
 — *v.* Brady (42 Ohio St. 504) 667  
 — *v.* Brannin (23 N. J. L. 485) 143, 144, 446, 2457  
 — *v.* Brassfield (67 Mo. 331) 658, 1526, 1545  
 — *v.* Brewer (64 Ala. 287) 2403  
 — *v.* Brewer (39 Wash. 65; 80 Pac. 1001; 109 Am. St. Rep. 858) 2650  
 — *v.* Brewster (39 Ohio St. 653) 250, 280, 286  
 — *v.* Brewster (44 Ohio St. 589; 9 N. E. 849) 719  
 — *v.* Bright (38 La. An. 1; 58 Am. Rep. 155) 951, 961  
 — *v.* Brinkerhoff (66 Tex. 45; 17 S. W. 109) 725, 726  
 — *v.* Brinkman (7 Ohio Cir. Ct. R. 165) 2376  
 — *v.* Bristol (109 Tenn. 315; 70 S. W. 1031) 2402  
 — *v.* Brittain (89 N. Car. 574) 926, 966  
 — *v.* Broatch (68 Neb. 687; 94 N. W. 1016; 110 Am. St. Rep. 477) 160, 176  
 — *v.* Brooks (8 Kan. App. 344; 56 Pac. 1127) 441  
 — *v.* Brooks (14 Wyo. 393; 84 Pac. 488; 6 L. R. A. N. s. 750) 2660  
 — *v.* Brown ([Iowa], 123 N. W. 779) 2740  
 — *v.* Brown (72 Mo. App. 651) 441  
 — *v.* Brown (27 N. J. L. 13) 1557  
 — *v.* Brown (31 N. J. L. 355) 2735  
 — *v.* Brown (60 Ohio St. 462; 54 N. E. 525) 265  
 — *v.* Bryan (50 Fla. 293; 39 So. 929) 2740  
 — *v.* Bryce (7 Ohio, 414) 783, 787, 808, 810, 2732  
 — *v.* Bryson (44 Ohio St. 457; 8 N. E. 470) 722, 793  
 — *v.* Buchanan (29 Wash. 602; 70 Pac. 52; 59 L. R. A. 342; 92 Am. St. Rep. 930) 205, 208  
 State *v.* Buckland (23 Kan. 259) 1370  
 — *v.* Buckles (8 Ind. App. 282; 35 N. E. 846; 52 Am. St. Rep. 476) 1585  
 — *v.* Buckley (60 Ohio St. 273; 54 N. E. 272) 262, 264, 319  
 — *v.* Buffalo (2 Hill [N. Y.] 434) 669, 1109, 1181, 1182  
 — *v.* Buffalo County (6 Neb. 454) 2675  
 — *v.* Bunker (59 Me. 366) 1767  
 — *v.* Buralli (27 Nev. 41; 71 Pac. 532) 441  
 — *v.* Burbank (22 La. An. 318) 2674, 2686, 2712  
 — *v.* Burlington (36 Vt. 521) 773, 2803, 2842, 2957  
 — *v.* Burnett (2 Ala. 140) 2745  
 — *v.* Butler (178 Mo. 272; 77 S. W. 560) 449, 910, 921, 923, 1170, 1198  
 — *v.* Butler (11 Lea [Tenn.] 418) 2835  
 — *v.* Butte City Water Co. (18 Mont. 199; 44 Pac. 966; 32 L. R. A. 697; 56 Am. St. Rep. 574) 2205, 2218, 2220  
 — *v.* Butz (9 S. Car. 156) 725  
 — *v.* Byrne (32 Wash. 264; 73 Pac. 394) 2706, 2711  
 — *v.* Byrne (98 Wis. 16; 73 N. W. 320) 911  
 — *v.* Cadwalader (36 N. J. L. 283) 1038, 1794  
 — *v.* Cahaba (30 Ala. 66) 2738, 2739  
 — *v.* Cahill (131 Iowa, 286; 108 N. W. 453) 2744  
 — *v.* Cainan (94 N. Car. 863) 955, 981  
 — *v.* Cainan (94 N. Car. 880) 1109  
 — *v.* Callahan (4 N. Dak. 481; 61 N. W. 1025) 2669  
 — *v.* Calloway (11 Idaho, 719; 84 Pac. 27; 4 L. R. A. N. s. 109; 114 Am. St. Rep. 285) 909, 932, 1018, 1019  
 — *v.* Camden (35 N. J. L. 217) 2728  
 — *v.* Campbell (7 S. Dak. 568; 64 N. W. 1125) 1292, 1303  
 — *v.* Camp Sing (18 Mont. 128; 44 Pac. 516; 32 L. R. A. 635; 56 Am. St. Rep. 551) 2468, 2470  
 — *v.* Campton (2 N. H. 513) 1833  
 — *v.* Canal & C. R. Co. (50 La. An. 1189; 24 So. 265; 56 L. R. A. 287) 1093  
 — *v.* Canfield (40 Fla. 36; 23 So. 591; 42 L. R. A. 72) 2725  
 — *v.* Canterbury (28 N. H. 195) 127, 613, 1833  
 — *v.* Cantieny (34 Minn. 1; 24 N. W. 458) 675, 955, 963, 987

## TABLE OF CASES CITED

409

[References are to pages]

State v. Capdeville (104 La. 561; 29 So. 215) 686	State v. Chase (5 Ohio St. 528) 2660
— v. Cape Girardeau & J. G. R. Co. (207 Mo. 85; 105 S. W. 761) 2059	— v. Chatfield (71 Conn. 104; 40 Atl. 922) 791, 2734
— v. Carbondale Indep. Sch. Dist. (29 Iowa, 264) 2735	— v. Chelan County Superior Ct. (36 Wash. 381; 78 Pac. 1011) 1618
— v. Carlin (3 Vt. 530) 1708	— v. Cheney (45 W. Va. 478; 31 S. E. 920) 2359
— v. Carpenter (60 Conn. 97; 22 Atl. 497) 1111	— v. Chester Township (25 Ohio Cir. Ct. R. 424) 2661
— v. Carr (129 Ind. 44; 28 N. E. 88; 13 L. R. A. 177; 28 Am. St. Rep. 163) 748	— v. Chicago, B. & Q. R. Co. (195 Mo. 228; 93 S. W. 784; 113 Am. St. Rep. 661) 2384
— v. Carroll (38 Conn. 449; 9 Am. Rep. 409) 743, 843, 1374, 2733	— v. Chicago, B. & Q. R. Co. (29 Neb. 412; 45 N. W. 469) 1616
— v. Carver (5 Strob. [S. Car.] L. 217) 1729	— v. Chicago, M. & St. P. R. Co. (38 Minn. 281; 37 N. W. 782) 2231
— v. Cascade County School District (15 Mont. 133; 38 Pac. 462) 1377, 1378	— v. Chillicothe City Clerk (7 Ohio St. 355) 920
— v. Cass County (53 Neb. 767; 74 N. W. 254) 1314, 2676	— v. Chittenden (112 Wis. 569; 88 N. W. 587) 2658
— v. Cassidy (22 Minn. 312; 21 Am. Rep. 765) 997, 2403	— v. Choate (11 Ohio, 511) 2732
— v. Catlin (3 Vt. 530; 23 Am. Dec. 230) 1695, 1707, 1747	— v. Christ Ch. Par. R. Com'rs (1 Mill Const. [S. Car.] 55) 2727, 2800
— v. Cavanac (30 La. An. 237) 2658	— v. Churchman (3 Pen. [Del.] 361; 51 Atl. 49) 665
— v. Cavett (78 Miss. 851; 29 So. 853) 638	— v. Cincinnati (19 Ohio, 178) 2648
— v. Central Pac. R. Co. (10 Nev. 47) 2322, 2406	— v. Cincinnati (20 Ohio St. 18) 131, 132, 242, 317
— v. Central Pac. R. Co. (17 Neb. 259; 30 Pac. 887) 880	— v. Cincinnati (23 Ohio St. 445) 317
— v. Centralia-Chehalis Elect. R. & P. Co. (42 Wash. 632; 85 Pac. 344; 7 L. R. A. N. s. 198) 2126	— v. Cincinnati (52 Ohio St. 419; 40 N. E. 508; 27 L. R. A. 737) 250, 270, 280, 618
— v. Chamber of Commerce (20 Wis. 63) 783, 784, 787, 790	— v. Cincinnati (1 Ohio N. P. 377) 1197
— v. Chamberlain (37 N. J. L. 51) 1816	— v. Cincinnati G. L. & C. Co. (18 Ohio St. 262) 145, 464, 915, 1784, 1891, 1907, 1915, 1917, 1921, 2137, 2159, 2229, 2231, 2234, 2235, 2251, 2728, 2737, 2743, 2744
— v. Chamberlain (37 N. J. L. 388) 987, 2613	— v. Citizens St. R. Co. (80 Neb. 357; 114 N. W. 429) 1948, 1963
— v. Chambers (26 Ohio Cir. Ct. R. 404) 2647	— v. City Council (23 Utah, 13; 64 Pac. 460) 435
— v. Charles (16 Minn. 474) 970	— v. Clark (52 Mo. 508) 746
— v. Charleston (1 Mill Const. R. [S. Car.] 36) 2459, 2727, 2739	— v. Clark (59 Neb. 702; 82 N. W. 8) 659, 662
— v. Charleston (4 Rich. [S. Car.] Law, 286) 475	— v. Clark (28 N. H. 176; 61 Am. Dec. 723) 901, 922, 1012, 1015
— v. Charleston (5 Rich. Law [S. Car.] 561) 2423, 2459	— v. Clarke (69 Conn. 371; 37 Atl. 975; 39 L. R. A. 670; 61 Am. St. Rep. 45) 1886
— v. Charleston (10 Rich. L. [S. Car.] 240) 2323, 2459	— v. Clarke (54 Mo. 17; 14 Am. Rep. 471) 448, 943, 966, 987, 1001, 1004, 1041
— v. Charleston (12 Rich. Law [S. Car.] 702) 1117, 1666, 2495	— v. Clarke (3 Nev. 566) 639
— v. Charleston (2 Speers L. [S. Car.] 719; 2 Speers L. [S. Car.] 623) 2459, 2476, 2477	— v. Clarke (25 N. J. L. 54) 446, 448, 968
— v. Charleston (4 Strob. L. [S. Car.] 217) 2459	
— v. Charleston Light & Water Co. (68 S. Car. 540; 47 S. E. 979) 2709	

## TABLE OF CASES CITED

[References are to pages]

- State *v.* Clausen (40 Wash. 95; 82 Pac. 187) 369, 1388  
 — *v.* Clay County (46 Mo. 231) 2677, 2678  
 — *v.* Clay County Sch. Dist. (8 Neb. 98) 2711  
 — *v.* Clayton (53 N. J. L. 277; 21 Atl. 1026) 283, 322  
 — *v.* Cleveland (3 R. I. 117) 952  
 — *v.* Clegg (27 Conn. 593) 1133  
 — *v.* Clerk of Passaic (25 N. J. L. 354) 650  
 — *v.* Cline (85 Mo. App. 628) 2799  
 — *v.* Clinton (28 La. An. 72) 1315  
 — *v.* Clinton County (162 Ind. 580; 70 N. E. 373) 2708  
 — *v.* Clinton County (6 Ohio St. 280) 569, 2686, 2687  
 — *v.* Clunet (19 Md. 351) 1654  
 — *v.* Cobb (113 Mo. App. 156; 87 S. W. 551) 1087  
 — *v.* Cockrell (2 Rich. Law [S. Car.] 6) 653, 1655, 1657, 2797, 2800  
 — *v.* Coffee (59 Mo. 59) 2736, 2737  
 — *v.* Coffeyville (78 Kan. 599; 97 Pac. 372; 130 Am. St. Rep. 386) 2739  
 — *v.* Coleman (64 Ohio St. 377; 60 N. E. 568; 55 L. R. A. 105) 2658  
 — *v.* Collister (27 Ohio Cir. Ct. R. 529) 2729  
 — *v.* Columbia (6 S. Car. 1) 995, 2468  
 — *v.* Columbia (12 S. Car. 370) 1502  
 — *v.* Columbia (16 S. Car. 412) 2800  
 — *v.* Columbia (27 S. Car. 137; 3 S. E. 55) 601, 2408  
 — *v.* Columbia ([Tenn. Ch. App.], 52 S. W. 511) 1902, 2481  
 — *v.* Columbus (9 Ohio Dec. 336) 2659  
 — *v.* Columbus Board of Education (6 Ohio N. P. 347) 2647  
 — *v.* Columbus Board of Public Service (81 Ohio St. 218; 90 N. E. 389) 2657, 2659  
 — *v.* Columbus Gas Light & Coke Co. (34 Ohio St. 572; 32 Am. Rep. 396) 1920, 2217, 2226, 2229  
 — *v.* Commissioners (54 Ohio St. 333; 43 N. E. 587) 160  
 — *v.* Commissioners of Printing (18 Ohio St. 386) 2659  
 — *v.* Common Council (96 Wis. 73; 71 N. W. 86) 344  
 — *v.* Concordia (78 Kan. 250; 96 Pac. 487; 20 L. R. A. N. s. 1050) 3052, 3053  
 — *v.* Cone (40 Fla. 409; 25 So. 279; 74 Am. St. Rep. 150) 2651  
 State *v.* Conlin (27 Vt. 318) 1125  
 — *v.* Connersville Nat'l Gas Co. (163 Ind. 563; 71 N. E. 483) 2713  
 — *v.* Conser (24 Ohio Cir. Ct. R. 270) 2730  
 — *v.* Constantine (42 Ohio St. 437; 51 Am. Rep. 833) 285, 286, 317  
 — *v.* Consumers' Gas Trust Co. (157 Ind. 345; 61 N. E. 674; 55 L. R. A. 245) 2205, 2209, 2212  
 — *v.* Consumers' Water Co. (56 N. J. L. 422; 28 Atl. 578) 345  
 — *v.* Cook (24 Minn. 247; 31 Am. Rep. 344) 128, 957  
 — *v.* Cook (43 Neb. 318; 61 N. W. 693) 1284, 1295, 1299, 1317  
 — *v.* Cooley (56 Minn. 540; 58 N. W. 150) 257, 258, 259, 267, 274, 275, 277, 278, 296, 297, 310, 313, 552  
 — *v.* Copeland (66 Minn. 315; 69 N. W. 27; 34 L. R. A. 777; 61 Am. St. Rep. 410) 293, 294  
 — *v.* Copeland (3 R. I. 33) 2404  
 — *v.* Copeland (96 Tenn. 296; 34 S. W. 427; 54 Am. St. Rep. 840) 764  
 — *v.* Cornell (52 Neb. 25; 71 N. W. 961) 1219  
 — *v.* Cornell (54 Neb. 72; 74 N. W. 432) 1316  
 — *v.* Cornell (60 Neb. 694; 84 N. W. 87) 1304  
 — *v.* Cornnall (27 Ind. 120) 1100  
 — *v.* Cornville (43 Me. 427) 2964  
 — *v.* Cornwell (40 S. Car. 26; 18 S. E. 184) 403  
 — *v.* Corrigan Consol. St. R. Co. (85 Mo. 263; 55 Am. Rep. 361) 2002, 2079, 2083, 2085  
 — *v.* Corson (67 N. J. L. 178; 50 Atl. 780) 314  
 — *v.* Cory (35 Minn. 178; 28 N. W. 217) 2799  
 — *v.* Cosgrave (85 Neb. 187; 122 N. W. 885; 26 L. R. A. N. s. 207) 2730  
 — *v.* Coufal ([Neb.], 95 N. W. 362) 2649  
 — *v.* County Court (89 Mo. 237; 1 S. W. 307) 284  
 — *v.* County Court (128 Mo. 427; 30 S. W. 103; 31 S. W. 23) 280, 287  
 — *v.* Cowen (29 Mo. 330) 968, 970, 972  
 — *v.* County Judge (2 Iowa, 280) 137  
 — *v.* Court of Common Pleas (36 N. J. L. 72) 127  
 — *v.* Covington (125 N. Car. 641; 34 S. E. 272) 2460

## TABLE OF CASES CITED

411

[References are to pages]

- State *v.* Covington (29 Ohio St. 102) 160, 176, 242, 264  
 — *v.* Cowen (29 Mo. 330) 1095, 1099  
 — *v.* Cowgill & Hill Mill Co. (156 Mo. 620; 57 S. W. 1008) 1190, 1191, 1237, 1832  
 — *v.* Cowles (64 Ohio St. 162) 250, 265, 285  
 — *v.* Cox (52 La. An. 2049; 28 So. 356) 2460  
 — *v.* Craig (100 Minn. 352; 111 N. W. 3) 2730  
 — *v.* Crawford (36 N. J. L. 394) 2451, 2454  
 — *v.* Crawford County (17 Ohio Cir. Ct. 370) 1212  
 — *v.* Crenshaw (94 N. Car. 877) 955  
 — *v.* Cronin (72 Neb. 642; 101 N. W. 325) 2655  
 — *v.* Cronin (75 Neb. 738; 106 N. W. 986) 2707  
 — *v.* Crowder (41 Kan. 101; 21 Pac. 208) 678  
 — *v.* Crowell (4 Halst. [N. J.] 390) 2728  
 — *v.* Crow Wing County (66 Minn. 519; 68 N. W. 767; 69 N. W. 925; 73 N. W. 631; 35 L. R. A. 745) 122  
 — *v.* Crummey (17 Minn. 72) 970, 1109, 1110  
 — *v.* Cumberland & P. R. Co. (40 Md. 22) 2445  
 — *v.* Cummings (151 Mo. 49; 52 S. W. 29) 2366  
 — *v.* Curler (26 Nev. 347; 67 Pac. 1075) 2657, 2709  
 — *v.* Curran (12 Ark. 321) 127  
 — *v.* Custer (11 Ind. 210) 2646, 2649  
 — *v.* Cymis (26 Ohio St. 400) 998  
 — *v.* Daggett (28 Wash. 1; 68 Pac. 340) 717, 1315, 2668  
 — *v.* Dahl (69 Minn. 108; 71 N. W. 910) 2740  
 — *v.* Dahl (6 N. Dak. 81; 68 N. W. 418; 34 L. R. A. 97) 2660  
 — *v.* Dakota County Dist. Court (41 Minn. 518; 43 N. W. 389) 913  
 — *v.* Dalton (22 R. I. 77; 46 Atl. 234; 48 L. R. A. 775; 84 Am. St. Rep. 818) 1008  
 — *v.* Daniel (52 S. Car. 201; 29 S. E. 633) 2651  
 — *v.* Darrow (65 Minn. 419; 67 N. W. 1012) 910  
 — *v.* Davenport (12 Iowa, 335) 2676, 2678, 2686, 2687  
 — *v.* Davey (39 Pa. An. 992) 2793  
 — *v.* Davidson (50 La. An. 1297; 24 So. 324; 69 Am. St. Rep. 478) 1072  
 State *v.* Davies (12 Ohio Cir. Ct. R. 218) 2729  
 — *v.* Davis (64 Neb. 499; 90 N. W. 232) 2734  
 — *v.* Davis (23 Ohio St. 434) 242  
 — *v.* Davis (55 Ohio St. 15; 44 N. E. 511) 265  
 — *v.* Davis County Judge (2 Iowa, 280) 2709  
 — *v.* Dawson (3 Hill [S. Car.] 100) 1622  
 — *v.* Dayton & S. E. R. Co. (36 Ohio St. 434) 2077, 2081, 2082  
 — *v.* Dayton Traction Co. (18 Ohio Cir. Ct. R. 490) 2729  
 — *v.* DeBar (58 Mo. 395) 448, 1041  
 — *v.* Debnam (98 N. Car. 712; 3 S. E. 742) 1109  
 — *v.* Decasinova's Adm. (1 Tex. 401) 637  
 — *v.* Deer Lodge County (19 Mont. 582; 49 Pac. 147) 1840  
 — *v.* DeGress (53 Tex. 387) 2729  
 — *v.* Delesdenier (7 Tex. 76) 77  
 — *v.* Deliesseline (1 McCord [S. Car.] 52) 653, 827, 845, 851, 858, 2669, 2729  
 — *v.* Demann (83 Minn. 331; 86 N. W. 352) 627  
 — *v.* Dennie (51 La. An. 608; 25 So. 394) 2381, 2417  
 — *v.* Denny (118 Ind. 382; 21 N. E. 252; 4 L. R. A. 79) 163, 175  
 — *v.* Denny (118 Ind. 449; 21 N. E. 274; 4 L. R. A. 65) 159, 161, 163, 164, 175  
 — *v.* Dering (84 Wis. 585; 54 N. W. 1104; 36 Am. St. Rep. 948) 935  
 — *v.* Des Moines (96 Iowa, 521; 65 N. W. 818; 31 L. R. A. 186; 59 Am. St. Rep. 381) 122, 123, 124, 286, 308, 334  
 — *v.* Des Moines (103 Iowa, 76; 72 N. W. 639; 39 L. R. A. 285; 64 Am. St. Rep. 157) 2392, 2397  
 — *v.* Des Moines City R. Co. (135 Iowa, 694; 109 N. W. 867) 1907, 1990, 2729  
 — *v.* Dews (R. M. Charlt. [Ga.] 397) 198  
 — *v.* Dickerman (16 Mont. 278; 40 Pac. 698) 1526, 1547  
 — *v.* Digby (5 Blackf. [Ind.] 543) 1682  
 — *v.* Dike (20 Minn. 363) 2660  
 — *v.* Dillon (42 Fla. 95; 28 So. 781) 986  
 — *v.* Dillon (125 Ind. 65; 25 N. E. 136) 854  
 — *v.* Dimond (44 Neb. 154; 62 N. W. 498) 620, 623, 2741  
 — *v.* Dineen (203 Mo. 628; 102 S. W. 480) 985

## TABLE OF CASES CITED

[References are to pages]

- State *v.* Directors & W. of Penit.  
(5 Ohio St. 234) 1225
- *v.* District Court (61 Minn.  
542; 64 N. W. 190) 280, 310
- *v.* District Court (84 Minn.  
377; 87 N. W. 942) 287
- *v.* District School Board (97  
Mo. App. 613; 71 S. W. 701) 2714
- *v.* Dodge (76 Vt. 197; 56 Atl.  
983) 1008
- *v.* Dodge County (8 Neb.  
129; 30 Am. Rep. 819) 2314, 2494
- *v.* Doherty (2 Idaho, 1105;  
29 Pac. 855) 2470
- *v.* Doherty (25 La. An. 119;  
13 Am. Rep. 131) 793
- *v.* Doherty (16 Wash. 382;  
47 Pac. 958; 58 Am. St. Rep.  
39) 115, 644
- *v.* Donahay (30 N. J. L. 404) 830,  
2796
- *v.* Donovan (89 Me. 448; 36  
Atl. 982) 792, 808, 809
- *v.* Douglas County (11 Neb.  
484; 9 N. W. 691) 1214
- *v.* Douglas County Super. Ct.  
(41 Wash. 439; 83 Pac. 1027) 2709
- *v.* Douglass (50 Mo. 593) 1370,  
2734
- *v.* Douglass (33 N. J. L. 363) 448
- *v.* Douglass (26 Wis. 428;  
7 Am. Rep. 87) 728
- *v.* Dousman (28 Wis. 541) 129
- *v.* Dowling (50 Mo. 134) 2423,  
2771, 2793
- *v.* Downs (60 Kan. 788; 57  
Pac. 962) 59, 63, 131, 177, 284, 299
- *v.* Dubarry (46 La. An. 33;  
14 So. 298) 1074
- *v.* Dubuclet (24 La. An. 16) 2660,  
2712
- *v.* Duluth (53 Minn. 238; 55  
N. W. 118; 39 Am. St. Rep.  
595) 784, 799, 815
- *v.* Duluth Water & Lt.  
Com'rs (105 Minn. 472; 117 N.  
W. 827) 2218, 2219
- *v.* Dunn (1 Minor [Ala.] 46;  
11 Am. Dec. 25) 2669
- *v.* Dunn (76 Neb. 155; 107  
N. W. 236) 869
- *v.* Dunnington (12 Md. 340) 771
- *v.* Dunson (71 Tex. 65; 9  
S. W. 103) 590
- *v.* Duval County (23 Fla.  
483; 3 So. 193) 137
- *v.* Eason (114 N. Car. 787;  
19 S. E. 88; 41 Am. St. Rep.  
811) 449, 611, 614
- *v.* East Orange (41 N. J. L.  
127) 931
- *v.* Eau Claire (40 Wis. 533) 1625,  
2127
- State *v.* Eberly (12 Neb. 616; 12  
N. W. 96) 470
- *v.* Eby (170 Mo. 497; 71 S.  
W. 52) 2386
- *v.* Echols (41 Kan. 1; 20  
Pac. 523) 655, 656
- *v.* Edens (85 N. Car. 452) 1039
- *v.* Edwards (40 Mont. 287;  
106 Pac. 695) 2650
- *v.* Egan (64 Minn. 331; 67  
N. W. 77) 2637
- *v.* Edison (76 Tex. 302; 13  
S. W. 263) 620
- *v.* Elizabeth (30 N. J. L.  
176) 2596
- *v.* Elizabeth (30 N. J. L. 365) 1809,  
1812, 2510, 2610
- *v.* Elizabeth (32 N. J. L. 357) 1649
- *v.* Elizabeth (37 N. J. L. 432)  
1718, 1837
- *v.* Elizabeth (40 N. J. L. 274) 2510
- *v.* Ellet (47 Ohio St. 90; 23  
N. E. 931; 21 Am. St. Rep.  
772) 262, 285, 286
- *v.* Ellington (117 N. Car.  
158; 23 S. E. 250; 30 L. R. A.  
532; 53 Am. St. Rep. 580) 846
- *v.* Elliott (117 Ala. 150; 23  
So. 124) 2730
- *v.* Elofson (86 Minn. 103;  
90 N. W. 309) 441, 926, 930
- *v.* Elvins (32 N. J. L. 362) 137
- *v.* Elwood (11 Wis. 17) 2715
- *v.* Engelmann (106 Mo. 628;  
17 S. W. 759) 1641
- *v.* Enger (81 Minn. 399; 84  
N. W. 218) 919
- *v.* Engle (34 N. J. L. 425) 2335
- *v.* Essex County (23 N. J. L.  
214) 2661
- *v.* Estabrook (6 Ala. 653) 1012,  
2396
- *v.* Etchman (189 Mo. 648;  
88 S. W. 643) 259, 314
- *v.* Evans (184 Mo. 632; 83  
S. W. 447) 2799
- *v.* Excelsior Coke & Gas Co.  
(69 Kan. 45; 76 Pac. 447) 2156
- *v.* Fagan (42 Conn. 32) 718
- *v.* Fairchild (22 Wis. 110) 2713
- *v.* Falconer (44 Ala. 696) 2668
- *v.* Farmers' & Merchants'  
Irrig. Co. (59 Neb. 1; 80 N. W.  
52) 262, 275, 278
- *v.* Fayette County (37 Ohio  
St. 527) 1391
- *v.* Fayetteville Com'rs (2  
N. Car. Law Repos. 617) 773
- *v.* Fenley (18 Mo. 445) 1310
- *v.* Ferguson (33 N. H. 424) 921,  
922, 1012
- *v.* Ferguson (31 N. J. L.  
107) 678, 723, 724, 726



## TABLE OF CASES CITED

413

[References are to pages]

- State *v. Ferris* (53 Ohio St. 314;  
4 N. E. 579; 30 L. R. A. 218) 2385  
— *v. Fidelity & C. Co.* (77 Iowa,  
648; 42 N. W. 509) 2354  
— *v. Fidelity & Deposit Co.* (35  
Tex. Civ. App. 214; 80 S. W.  
544) 1351  
— *v. Field* (99 Mo. 352; 12  
S. W. 802) 116, 117, 1621  
— *v. Findley* (10 Ohio St. 51) 679,  
680  
— *v. Fire Creek C. & C. Co.* (33  
W. Va. 188; 10 S. E. 288; 6 L.  
R. A. 359; 25 Am. St. Rep.  
891) 205  
— *v. Fishplate* (83 N. Car. 654) 773  
— *v. Fisher* (5 Pennewill [Del.]  
273; 64 Atl. 68) 2654  
— *v. Fisher* (52 Mo. 174) 934, 1029  
— *v. Fiske* (9 R. I. 94) 940  
— *v. Fitzgerald* (44 Mo. 425) 646,  
649, 651, 1135, 2731  
— *v. Flad* (23 Mo. App. 185) 2062  
— *v. Flanders* (24 La. An. 57) 180  
— *v. Fleming* (112 Ala. 179; 20  
So. 846) 2481, 2482  
— *v. Fleming* (147 Mo. 1; 44  
S. W. 758) 2736, 2737  
— *v. Fleming* (70 Neb. 523; 97  
N. W. 1063) 2353, 2354  
— *v. Flemming* (158 Mo. 558;  
59 S. W. 118) 621, 2736, 2737  
— *v. Flint* (63 Conn. 248; 28  
Atl. 28) 1111, 1112  
— *v. Flower* (49 La. An. 1199;  
22 So. 623) 1769  
— *v. Floyd County* (5 Iowa,  
380) 2676, 2677, 2678  
— *v. Foley* (31 Iowa, 527; 7  
Am. Rep. 166) 1980, 1981  
— *v. Fond du Lac* (42 Wis. 298) 1648,  
1649  
— *v. Fond du Lac Bd. of Ed.*  
(24 Wis. 683) 2659  
— *v. Foraker* (148 Mo. 143; 49  
S. W. 1017) 441  
— *v. Foraker* (46 Ohio St. 677;  
23 N. E. 491; 6 L. R. A. 422) 660  
— *v. Ford County* (12 Kan.  
441) 2737  
— *v. Forest County* (74 Wis.  
610; 43 N. W. 551) 327  
— *v. Fort* (24 S. Car. 510) 2793  
— *v. Foster* (130 Ala. 154; 30  
So. 477) 2734  
— *v. Foster* (94 Minn. 412; 103  
N. W. 14) 2608, 2612  
— *v. Foster* (7 N. J. L. 101) 871  
— *v. Fourcade* (45 La. An. 717;  
13 So. 187; 40 Am. St. Rep.  
249) 972, 1128  
— *v. Fourth District Court* (13  
N. Dak. 211; 100 N. W. 248) 2652  
State *v. Fox* (158 Ind. 126; 63 N.  
E. 19; 56 L. R. A. 893) 8, 164, 175  
— *v. Fraker* (166 Mo. 130; 65  
S. W. 720) 1314  
— *v. Francis* (95 Mo. 44; 8 S.  
W. 1) 657, 658  
— *v. Frank* (60 Neb. 327; 83  
N. W. 74) 310  
— *v. Franklin County* (35 Ohio  
St. 458) 265  
— *v. Franklin County* (7 Ohio  
N. P. 563) 2652  
— *v. Franklin Falls Co.* (49 N.  
H. 240; 6 Am. Rep. 513) 1897  
— *v. Fransham* (19 Mont. 273;  
48 Pac. 1) 2730  
— *v. Frantz* (55 Neb. 167; 75  
N. W. 546) 2730  
— *v. Frazee* (105 La. 250; 29  
So. 478) 1315  
— *v. Frazier* (28 Neb. 438; 44  
N. W. 471) 2730  
— *v. Frazier* (114 Tenn. 516; 86  
S. W. 319) 2660  
— *v. Freeman* (38 N. H. 426) 922,  
925, 1012, 1015, 1040  
— *v. Freeman* (86 N. Car. 683) 675,  
677  
— *v. Fremont, E. & M. V. R.*  
*Co.* (22 Neb. 313; 35 N. W.  
118) 2231  
— *v. French* (17 Mont. 54; 41  
Pac. 1078; 30 L. R. A. 415) 2470  
— *v. French* (109 N. Car. 722;  
14 S. E. 383; 26 Am. St. Rep.  
590) 2332, 2472  
— *v. Frost* (4 Harring. [Del.]  
558) 637  
— *v. Frost* (103 Tenn. 685; 54  
S. W. 986) 443  
— *v. Fuller* (96 Mo. 165; 9 S.  
W. 583) 121  
— *v. Fuller* (34 N. J. L. 227) 143,  
2510  
— *v. Fuller* (39 N. J. L. 576) 2530  
— *v. Fullerton* (7 Rob. [La.]  
210) 2320  
— *v. Fullerton* (143 Mo. 682;  
44 S. W. 741) 2441, 2442  
— *v. Funck* (17 Iowa, 365) 649,  
651, 1135  
— *v. Gaffney* (34 N. J. L. 131) 2431,  
2432  
— *v. Gardner* (54 Ohio St. 24;  
42 N. E. 999; 31 L. R. A. 660) 843  
— *v. Gardner* (32 Wash. 550;  
73 Pac. 690; 98 Am. St. Rep.  
858) 2649  
— *v. Garlock* (14 Iowa, 444) 1012  
— *v. Garroute* (67 Mo. 445) 1515  
— *v. Gastinel* (20 La. An. 114) 640  
— *v. Gates* (35 Minn. 385; 28  
N. W. 927) 652, 2730

[References are to pages]

State v. Gates (67 Mo. 139)	764	State v. Grannemann (132 Mo. 326; 33 S. W. 784)	257
— v. Gates (190 Mo. 540; 89 S. W. 881; 2 L. R. A. N. s. 152)	459, 915, 916, 1803	— v. Grant (31 Oreg. 370; 49 Pac. 855)	1304
— v. Gates (22 Wis. 210)	2718, 2725	— v. Graves (19 Md. 351)	464, 920, 1651, 1653, 1654, 1669, 2646, 2707
— v. Gatzweiler (49 Mo. 17; 8 Am. Rep. 119)	763, 764	— v. Gray (91 Mo. App. 438)	2732
— v. George (23 Fla. 585; 3 So. 81)	153, 636	— v. Gray (23 Neb. 365; 36 N. W. 577)	860
— v. Georgia Medical Society (38 Ga. 608; 95 Am. Dec. 408)	780, 783	— v. Great Falls (19 Mont. 518; 49 Pac. 15)	2134, 2145, 2152, 2153, 2167, 2300
— v. Gibbs (82 Vt. 526; 74 Atl. 229; 24 L. R. A. N. s. 555)	2732, 2739	— v. Gt. Northern R. Co. (106 Minn. 303; 119 N. W. 202)	2445, 2449
— v. Gibson County (80 Ind. 478)	2953	— v. Great Works Milling & M. Co. (20 Me. 41; 37 Am. Dec. 38)	2803
— v. Giles (1 Chand. [Wis.] 112)	640, 641	— v. Green (37 Ohio St. 227)	850, 853
— v. Gilmanton (14 N. H. 467)	613	— v. Greene County (54 Mo. 540)	1517, 1542
— v. Glasgow (N. C. Conf. 186, 187)	773	— v. Greer (86 Neb. 88; 124 N. W. 905)	2737
— v. Glavin (67 Conn. 29; 34 Atl. 708)	995, 996, 2462	— v. Griffey (5 Neb. 161)	645
— v. Gleason (12 Fla. 190)	2734	— v. Grimes (83 Minn. 460; 86 N. W. 449)	1128
— v. Glennon (3 R. I. 276)	61, 69	— v. Grimm (220 Mo. 483; 119 S. W. 626)	2734
— v. Gloyd (14 Wash. 5; 44 Pac. 103)	406, 1496	— v. Griscom (3 Halst. [N. J.] 136)	2720
— v. Godwin (123 N. Car. 697; 31 S. E. 221)	2460	— v. Gritzner (134 Mo. 512; 36 S. W. 39)	257
— v. Godwin (145 N. Car. 461; 59 S. E. 132; 122 Am. St. Rep. 467)	1784, 1897	— v. Guilbert (70 Ohio St. 229; 71 N. E. 636)	2375, 2470
— v. Goff (15 R. I. 505; 9 Atl. 226; 2 Am. St. Rep. 921)	725	— v. Gummersall (24 N. J. L. 529)	2745
— v. Goodwill (33 W. Va. 179; 10 S. E. 285; 6 L. R. A. 621; 25 Am. St. Rep. 863)	205	— v. Gunn (92 Minn. 436; 100 N. W. 97)	2555, 2676
— v. Goodwin (69 Tex. 55; 5 S. W. 678)	2733	— v. Gustin (152 Mo. 108; 53 S. W. 421)	972
— v. Gordon (60 Mo. 383)	966, 970	— v. Guttenberg (38 N. J. L. 419)	2610
— v. Gorham (37 Me. 451)	1832, 2063, 2803, 3034	— v. Guttenberg (39 N. J. L. 660)	583, 2399, 2650, 2674, 2675, 2681
— v. Gorham (115 N. Car. 721; 20 S. E. 179; 25 L. R. A. 810; 44 Am. St. Rep. 494)	2328	— v. Guttierrez (15 La. An. 190)	1118, 1125, 1130, 1133
— v. Gosnell (116 Wis. 606; 93 N. W. 542; 61 L. R. A. 33)	2216, 2233	— v. Guy (46 La. An. 1441; 16 So. 404)	675
— v. Governor (25 N. J. L. 331)	650	— v. Haben (22 Wis. 660)	2706
— v. Grace (20 Oreg. 154; 25 Pac. 382)	655, 656	— v. Hackensack Impr. Com. (45 N. J. L. 113)	2508
— v. Graeme (130 Mo. App. 138; 108 S. W. 1131)	1931	— v. Hadley (64 N. H. 473; 13 Atl. 643)	722
— v. Graham (13 Kan. 136)	2732	— v. Haines (35 Oreg. 379; 58 Pac. 39)	127
— v. Graham (24 La. An. 429)	2660	— v. Hale (166 Ind. 413; 77 N. E. 802)	2648
— v. Graham (16 Neb. 74; 19 N. W. 470)	104, 310	— v. Halifax (4 Dev. L. [N. Car.] 345)	773, 2461, 2802
— v. Graham (15 Rich. Law [S. Car.] 310)	479	— v. Hall (22 N. H. 384)	1767
— v. Gramm (7 Wyo. 329; 52 Pac. 533; 40 L. R. A. 690)	764		

## TABLE OF CASES CITED

415

[References are to pages]

State v. Hall (32 N. J. L. 158)	1040, 1113	State v. Hartford St. R. Co. (76 Conn. 174; 56 Atl. 506)	2649
— v. Hall (97 N. Car. 474; 1 S. E. 683)	773	— v. Hartshorn (17 Ohio, 135)	628
— v. Hamby (114 Tenn. 361; 84 S. W. 622)	730	— v. Haskell (20 Iowa, 276)	1155
— v. Hamil (97 Ala. 107; 11 So. 892)	2669	— v. Hastings (10 Wis. 518)	2715
— v. Hamilton (5 Ind. 310)	2787	— v. Hatch (82 Conn. 122; 72 Atl. 575)	2734
— v. Hamilton (40 Kan. 323; 19 Pac. 723)	126	— v. Haun (61 Kan. 146; 59 Pac. 340; 47 L. R. A. 369)	205
— v. Hamilton (109 Tenn. 276; 70 S. W. 619)	1706, 1721, 1722, 1740, 1743, 1841, 1843	— v. Hauser (63 Ind. 155)	461, 525, 682, 1345
— v. Hamilton County (19 Ohio, 116)	2677	— v. Hauss (43 Ind. 105; 13 Am. Rep. 384)	724
— v. Hammer (42 N. J. L. 435)	274, 296	— v. Haverly (62 Neb. 767; 87 N. W. 959)	2668, 2722
— v. Hammonton (38 N. J. L. 430)	564	— v. Hawes (112 Ind. 323; 14 N. E. 87)	350, 352, 1393
— v. Hanaphy (117 Iowa, 15; 90 N. W. 601)	2326	— v. Hawes (177 Mo. 360; 76 S. W. 653)	718, 719
— v. Hand (31 N. J. L. 547)	2596	— v. Hawkins (44 Ohio St. 98; 5 N. E. 228)	784, 792, 799, 815
— v. Hannibal & St. J. R. Co. (75 Mo. 208)	2405, 2444	— v. Hay (29 Me. 457)	1114, 1040
— v. Hannon (38 Kan. 593; 17 Pac. 185)	2651	— v. Hay (45 Neb. 321; 63 N. W. 821)	784, 815
— v. Harden (62 W. Va. 313; 58 S. E. 715)	1013	— v. Hayes (61 N. H. 264)	901
— v. Hardie (1 Ired. 42)	2731	— v. Hayne (4 S. Car. 403)	995, 2468
— v. Hardy (7 Neb. 377)	948, 987	— v. Headlee (17 Wash. 637; 50 Pac. 493)	1314
— v. Harman (57 W. Va. 447; 50 S. E. 828)	2359	— v. Hedlund (16 Neb. 566; 20 N. W. 876)	444
— v. Harper (58 Mo. 531)	966, 970	— v. Heidenhain (42 La. An. 483; 7 So. 621; 21 Am. St. Rep. 388)	1055
— v. Harper (6 Ohio St. 607; 67 Am. Dec. 363)	763	— v. Helena (24 Mont. 521; 63 Pac. 99)	346, 359, 361, 368, 408
— v. Harrington (68 Vt. 622; 35 Atl. 515; 34 L. R. A. 100)	2323, 2469	— v. Helfrid (2 Nott. & McCord [S. Car.] 233; 10 Am. Dec. 591)	1117
— v. Harris (10 Iowa, 441)	1012	— v. Helmes (Pen. [N. J.] Eq. 1050)	440
— v. Harris (50 Minn. 128; 52 N. W. 387, 531)	972, 1128	— v. Hemenover (188 Mo. 381; 87 S. W. 482)	1055
— v. Harris (96 Mo. 29; 8 S. W. 794)	658	— v. Hendee (74 Neb. 847; 105 N. W. 892)	2708
— v. Harris ([Mo.], 23 Eng. & Am. Corp. Cases, 43)	1415	— v. Henderson (160 Mo. 190; 60 S. W. 1093)	2385
— v. Harrison (113 Ind. 434; 16 N. E. 384)	717, 719, 721	— v. Henderson (4 Wyo. 535; 35 Pac. 517)	722
— v. Harrison (162 Ind. 542; 70 N. E. 877)	1767, 1768	— v. Hennepin County Dist. Ct. (33 Minn. 235; 22 N. W. 625)	2494, 2533
— v. Harrison (141 Mo. 12; 41 S. W. 971; 43 S. W. 867)	821	— v. Hennepin County Dist. Ct. (42 Minn. 247; 44 N. W. 7; 7 L. R. A. 121)	1617
— v. Harrison (99 Mo. App. 57; 72 S. W. 469)	1299, 1311	— v. Hennepin County Dist. Ct. (83 Minn. 464; 86 N. W. 455)	2798
— v. Harrison (81 Ohio St. 98; 90 N. E. 150)	2677	— v. Henshaw (76 Ga. 436)	1117
— v. Hart (144 Ind. 107; 43 N. E. 7; 33 L. R. A. 118)	1596	— v. Heppenheimer (54 N. J. L. 268; 23 Atl. 664)	1661
— v. Hartford (50 Conn. 89; 47 Am. Rep. 622)	2577	— v. Hermann (63 Ohio St. 440; 59 N. E. 104)	1223, 1224
— v. Hartford & N. H. R. Co. (29 Conn. 538)	2707	— v. Herod (29 Iowa, 123)	998, 1980, 2060, 2419, 2420, 2476

[References are to pages]

- State v. Herrmann* (75 Mo. 340) 257,  
 259, 280, 284  
 — *v. Hewett* (31 Me. 396) 3005  
 — *v. Hibbard* (22 Ohio Cir. Ct.  
 252, aff'd 65 Ohio St. 574; 64  
 N. E. 109) 753  
 — *v. Hickman* (5 Ohio C. C.  
 N. S. 175) 262, 265  
 — *v. Hickox* (64 Kan. 650; 68  
 Pac. 35) 2326  
 — *v. Hiers* (51 S. Car. 388; 29  
 S. E. 89) 1315, 2651  
 — *v. Higginbotham* (84 Ark.  
 537; 106 S. W. 484) 2374  
 — *v. Higgins* (125 Mo. 364; 28  
 S. W. 638) 272  
 — *v. Higgins* (51 So. Car. 51;  
 28 S. E. 15; 38 L. R. A. 561) 334  
 — *v. Higgs* (126 N. Car. 1014;  
 35 S. E. 473; 48 L. R. A. 446) 449,  
 453, 955, 1068, 1086  
 — *v. Highland* (25 Minn. 355) 1537  
 — *v. Hilbert* (72 Wis. 184; 39  
 N. W. 326) 2420, 2476  
 — *v. Hill* (10 Ind. 219) 1687  
 — *v. Hill* (32 Minn. 275; 20 N.  
 W. 196) 2647  
 — *v. Hill* (47 Neb. 456; 66 N.  
 W. 541) 764  
 — *v. Hill* (126 N. Car. 1139; 36  
 S. E. 326; 50 L. R. A. 473) 925,  
 929, 930, 934  
 — *v. Hinton* (131 N. Car. 770;  
 42 S. E. 611) 2460  
 — *v. Hipp* (38 Ohio St. 199) 259  
 — *v. Hoard* (94 Tex. 527; 62  
 S. W. 1054) 620  
 — *v. Hobe* (106 Wis. 411; 82  
 N. W. 336) 1250, 1251, 1258,  
 1392  
 — *v. Hoblitzelle* (85 Mo. 620) 2673  
 — *v. Hoboken* (30 N. J. L.  
 225) 1801, 1980  
 — *v. Hoboken* (33 N. J. L. 280) 997,  
 2461, 2462  
 — *v. Hoboken* (35 N. J. L. 205) 897,  
 1933, 1970, 1972, 1974, 1977  
 — *v. Hoboken* (36 N. J. L. 291) 2517  
 — *v. Hoboken* (38 N. J. L. 110) 907,  
 947  
 — *v. Hodgdon* (41 Vt. 139) 2324  
 — *v. Hoff* (88 Tex. 297; 31  
 S. W. 290) 2742  
 — *v. Hoffman* (35 Ohio St. 435) 1286  
 — *v. Hoglan* (64 Ohio St. 532;  
 60 N. E. 627) 792  
 — *v. Hogue* (71 Wis. 384; 36  
 N. W. 860) 1661  
 — *v. Holcomb* (86 Mo. 371) 675  
 — *v. Holcombe* (68 Iowa, 107;  
 26 N. W. 33; 56 Am. Rep. 852) 934,  
 1051  
 — *v. Holden* (14 Utah, 71, 96; 46  
 Pac. 756; 46 Pac. 1105; 37 R. L.  
 A. 108) 205, 208  
*State v. Holgate* (107 Minn. 71;  
 119 N. W. 792) 2675, 2676  
 — *v. Holladay* (72 Mo. 499) 1405  
 — *v. Holmes* ([Neb.], 91 N. W.  
 175) 2706  
 — *v. Holmes* ([Neb.], 97 N. W.  
 243) 2710  
 — *v. Holt* (163 Ind. 198; 71  
 N. E. 653) 2785  
 — *v. Holt* (132 Wis. 131; 111  
 N. W. 1106) 1223  
 — *v. Honerud* (66 Minn. 32;  
 68 N. W. 323) 122  
 — *v. Hood* (15 Rich. L. [S. Car.]  
 177) 2445  
 — *v. Hopkins* (12 Wash. 602;  
 41 Pac. 906) 1304  
 — *v. Hopkins* (14 Wash. 59; 44  
 Pac. 134, 550) 342, 355, 398, 400,  
 435, 1304  
 — *v. Hord* (122 N. Car. 1092;  
 29 S. E. 952; 65 Am. St. Rep.  
 743) 1051  
 — *v. Horgan* (55 Minn. 183;  
 56 N. W. 688) 1007  
 — *v. Horne* (115 N. Car. 739;  
 20 S. E. 443) 1109  
 — *v. Houseworth* (63 Neb. 658;  
 88 N. W. 858) 2647  
 — *v. Houston* (78 Ala. 576; 56  
 Am. Rep. 59; s. c. 83 Ala. 361;  
 3 So. 859) 763  
 — *v. Howard* (72 Me. 459) 1024  
 — *v. Howard County Court* (69  
 Mo. 454) 2439  
 — *v. Howe* (25 Ohio St. 588;  
 18 Am. Rep. 321) 720, 722  
 — *v. Hoyt* (2 Oreg. 246) 727, 871  
 — *v. Hubbard* (148 Ala. 391;  
 41 So. 903) 318  
 — *v. Hudson* (78 Mo. 302) 2387  
 — *v. Hudson* (27 N. J. L. 214) 1646  
 — *v. Hudson* (29 N. J. L. 104) 450,  
 1169, 2598  
 — *v. Hudson* (29 N. J. L. 475) 1649  
 — *v. Hudson* (32 N. J. L. 365) 2793,  
 2796  
 — *v. Hudson* (44 Ohio St. 137;  
 5 N. E. 225) 250, 251, 267, 280,  
 793  
 — *v. Hudson County* (30 N. J.  
 L. 137) 2801, 2804, 2857  
 — *v. Hudson County* (35 N. J.  
 L. 269) 2722  
 — *v. Huff* (105 Mo. App. 354;  
 79 S. W. 1010) 446, 2736  
 — *v. Hugg* (44 Mo. 116) 1651,  
 1661, 2679  
 — *v. Huggins* (47 Ind. 586) 1835  
 — *v. Huggins* (Harper [S. Car.]  
 Law, 94) 653, 827, 851

## TABLE OF CASES CITED

417

[References are to pages]

State <i>v.</i> Hughes (104 Mo. 459; 16 S. W. 489)	316	State <i>v.</i> Jenkins (46 Wis. 616; 1 N. W. 241)	2745
— <i>v.</i> Hugo (84 Minn. 81; 86 N. W. 784)	660	— <i>v.</i> Jennings (27 Ark. 419)	143
— <i>v.</i> Hundelhausen (26 Wis. 432)	144	— <i>v.</i> Jennings (57 Ohio St. 415; 49 N. E. 404; 63 Am. St. Rep. 723)	734
— <i>v.</i> Hunt (74 Minn. 496; 77 N. W. 301)	2556	— <i>v.</i> Jersey City (24 N. J. L. 662)	1649, 2451, 2609, 2610
— <i>v.</i> Hunter (38 Kan. 578; 17 Pac. 177)	153, 158, 175, 257	— <i>v.</i> Jersey City (25 N. J. L. 309)	461, 833, 864, 871, 1646, 1649, 2451, 2608
— <i>v.</i> Hyde (129 Ind. 296; 28 N. E. 186; 13 L. R. A. 79)	728, 733	— <i>v.</i> Jersey City (25 N. J. L. 525)	493, 614
— <i>v.</i> Hyland (75 Neb. 767; 107 N. W. 113)	2668, 2673	— <i>v.</i> Jersey City (25 N. J. L. 536)	782, 783, 787, 788, 789, 790, 800, 819, 2672
— <i>v.</i> Hyman (22 Ohio Cir. Ct. 213)	801	— <i>v.</i> Jersey City (26 N. J. L. 444)	461, 667, 907, 1084, 1646, 1670, 1801, 2399, 2611
— <i>v.</i> Iams (78 Neb. 678; 111 N. W. 604; 11 L. R. A. n.s. 736)	1040	— <i>v.</i> Jersey City (27 N. J. L. 493)	847, 896, 924, 1816
— <i>v.</i> Ide (35 Wash. 576; 77 Pac. 961; 67 L. R. A. 637; 102 Am. St. Rep. 914)	2461	— <i>v.</i> Jersey City (27 N. J. L. 536)	871, 2607, 2609
— <i>v.</i> Illinois Cent. R. Co. (33 Fed. Rep. 730)	1634	— <i>v.</i> Jersey City (29 N. J. L. 170)	446, 448, 1035, 1046, 1980, 2068
— <i>v.</i> Indiana & O. Oil, G. & M. Co. (120 Ind. 575; 22 N. E. 778; 6 L. R. A. 579)	2331	— <i>v.</i> Jersey City (29 N. J. L. 441)	1816, 2614, 2629, 2748
— <i>v.</i> Indianapolis Union R. Co. (160 Ind. 45; 66 N. E. 163; 60 L. R. A. 831)	1035	— <i>v.</i> Jersey City (30 N. J. L. 93)	834, 880
— <i>v.</i> Inner Belt R. Co. (74 Kan. 413; 87 Pac. 696)	2737	— <i>v.</i> Jersey City (30 N. J. L. 148)	1816
— <i>v.</i> Ins. Co. of North America (115 Ind. 257; 17 N. E. 574)	2353, 2354	— <i>v.</i> Jersey City (30 N. J. L. 521; 30 N. J. L. 247)	2748, 2796
— <i>v.</i> Ireby (42 Neb. 186; 60 N. W. 601)	2399, 2451, 2483, 2484	— <i>v.</i> Jersey City (34 N. J. L. 33)	448, 510, 918, 1794, 1847, 2610
— <i>v.</i> Ironton Gas Co. (37 Ohio St. 45)	2240, 2254	— <i>v.</i> Jersey City (34 N. J. L. 277)	1820, 2581
— <i>v.</i> Itasca Lumber Co. (100 Minn. 355; 111 N. W. 276)	2322	— <i>v.</i> Jersey City (34 N. J. L. 390)	477, 907
— <i>v.</i> Iverson (92 Minn. 355; 100 N. W. 91)	2796	— <i>v.</i> Jersey City (35 N. J. L. 404)	833
— <i>v.</i> Jackson (8 Mich. 110)	1121	— <i>v.</i> Jersey City (37 N. J. L. 348)	1847
— <i>v.</i> Jackson County (19 Fla. 17)	2679	— <i>v.</i> Jersey City (38 N. J. L. 259)	2710
— <i>v.</i> Jacksonville St. R. Co. (29 Fla. 590; 10 So. 590)	1932, 1974, 2002, 2079, 2082	— <i>v.</i> Jersey City (40 N. J. L. 483)	1707
— <i>v.</i> Jacksonville Terminal Co. (41 Fla. 377; 27 So. 225)	2649	— <i>v.</i> John (81 Mo. 13)	2668
— <i>v.</i> Jacobs (17 Ohio, 143)	628, 721, 842, 844, 2743, 2745	— <i>v.</i> Johnson (17 Ark. 407)	648, 1135
— <i>v.</i> Janesville St. R. Co. (87 Wis. 72; 57 N. W. 970; 22 L. R. A. 759)	2064	— <i>v.</i> Johnson (30 Fla. 433; 11 So. 845; 18 L. R. A. 410)	784, 792, 815
— <i>v.</i> Jefferson Par. Pol. Jury (22 La. An. 611)	2661	— <i>v.</i> Johnson (1 Kan. 178)	334
— <i>v.</i> Jefferson Police Jury (34 La. An. 673)	193	— <i>v.</i> Johnson (61 Kan. 803; 60 Pac. 1068; 49 L. R. A. 662)	2260
— <i>v.</i> Jelks (138 Ala. 115; 35 So. 60)	2659	— <i>v.</i> Johnson (77 Minn. 453; 80 N. W. 620)	330
— <i>v.</i> Jenkins (20 Wash. 78; 54 Pac. 765)	2654	— <i>v.</i> Johnson (162 Mo. 621; 63 S. W. 390)	1303
		— <i>v.</i> Johnson (114 N. Car. 846; 19 S. E. 599)	1104

[References are to pages]

State v. Johnson County (10 Iowa, 157; 74 Am. Dec. 381)	2706	1621; 22 So. 845; 39 L. R. A. 520)	1109
— v. Johnson County (12 Iowa, 237)	2715, 2723	State v. Kaufman (51 Iowa, 578; 2 N. W. 275; 33 Am. Rep. 148)	1120
— v. Johnson's Admr. (52 Ind. 197)	1183	— v. Kean (69 N. H. 122; 45 Atl. 256; 48 L. R. A. 102)	1849, 1877, 1880
— v. Johnston (118 N. Car. 1188; 23 S. E. 921)	2460	— v. Keith (94 N. Car. 933)	965
— v. Jones (19 Ind. 356; 81 Am. Dec. 403)	643	— v. Kelly (34 N. J. L. 75)	445
— v. Jones (10 Iowa, 65)	2721	— v. Kelly (45 S. Car. 457; 23 S. E. 281)	405
— v. Jones (1 Ired. L. [N. Car.] 129)	2653, 2714, 2722	— v. Kempf (69 Wis. 470; 34 N. W. 226; 2 Am. St. Rep. 753)	1135, 2730
— v. Jones (51 Ohio St. 492; 37 N. E. 945)	2369	— v. Kendle (52 Ohio St. 346; 39 N. E. 947)	149
— v. Jones (66 Ohio St. 453; 64 N. E. 424; 90 Am. St. Rep. 592)	39, 104, 242, 245, 248, 249, 250, 251, 252, 279, 285, 317	— v. Kennedy (69 Conn. 220; 37 Atl. 503)	681
— v. Jones (18 Tex. 874)	1799, 1802	— v. Kennelly (75 Conn. 704; 55 Atl. 555)	785, 786
— v. Joplin Water Works (52 Mo. App. 312)	2205, 2209, 2723	— v. Kent (96 Minn. 255; 104 N. W. 948; 1 L. R. A. n. s. 826)	2740
— v. Judge (13 Ala. 805)	2666	— v. Kent County (83 Md. 377; 35 Atl. 62)	1727, 1730
— v. Judge of Civil Dist. Ct. (107 La. 474; 31 So. 867)	2652	— v. Keokuk (9 Iowa, 438)	1650, 1652, 1661, 2654
— v. Judges of Common Pleas (21 Ohio St. 1)	149, 259, 265	— v. Keokuk (18 Iowa, 388)	2715
— v. Judges of Parish of Orleans (35 La. An. 1075)	781, 916	— v. Kersten (118 Wis. 287; 95 N. W. 120)	2667
— v. Julow (129 Mo. 163; 31 S. W. 781; 50 Am. St. Rep. 443)	206	— v. Kessella (120 Mo. App. 233; 96 S. W. 494)	966, 967
— v. Justice Court (31 Mont. 258; 78 Pac. 498)	2799	— v. Kiawell (86 Minn. 136; 90 N. W. 160)	113, 115
— v. Justices of Lenoir County (4 Hawks [N. Car.] 194)	773	— v. Kiichli (53 Minn. 147; 54 N. W. 1069; 19 L. R. A. 779)	838
— v. Justus (90 Minn. 474; 97 N. W. 124)	300	— v. Kilburn (81 Conn. 9; 69 Atl. 1028; 129 Am. St. Rep. 207)	2432
— v. Kalb (50 Wis. 178; 6 N. W. 557)	728	— v. Kilroy (86 Ind. 118)	857
— v. Kamman (151 Ind. 407; 51 N. E. 483)	2649	— v. Kineval ([Neb.], 97 N. W. 798)	2679
— v. Kansas City (50 Kan. 508; 31 Pac. 1100)	257	— v. King (154 Ind. 621; 57 N. E. 535)	2673
— v. Kansas City (60 Kan. 518; 57 Pac. 118)	1342	— v. King (52 La. An. 1548; 28 So. 105)	2652, 2799
— v. Kansas City (89 Mo. 34; 14 S. W. 515)	2798	— v. King (109 La. 799; 33 So. 776)	1219
— v. Kansas City Police Com'rs (184 Mo. 109; 71 S. W. 215; 88 S. W. 27)	805	— v. King (28 Mont. 268; 72 Pac. 657)	674
— v. Kansas City Police Com'rs (80 Mo. App. 206)	2672, 2707, 2722	— v. King (34 Neb. 196; 51 N. W. 754; 33 Am. St. Rep. 635)	1888
— v. Kansas City, St. J. & C. B. R. Co. (45 Iowa, 139)	1713	— v. King (64 W. Va. 546; 63 S. E. 468)	2359
— v. Kansas Nat. Gas Co. (71 Kan. 508; 80 Pac. 962; 114 Am. St. Rep. 507)	1906	— v. King County Super. Ct. (26 Wash. 278; 66 Pac. 385)	1664, 1993, 2013
— v. Kantler (33 Minn. 69; 21 N. W. 856)	864, 987	— v. King County Super. Ct. (31 Wash. 445; 72 Pac. 89; 66 L. R. A. 897)	1618
— v. Karstendiek (49 La. An. 1621; 22 So. 845; 39 L. R. A. 520)		— v. King County Super. Ct. (35 Wash. 303; 77 Pac. 382)	1626, 1635



# TABLE OF CASES CITED

419

[References are to pages]

<i>State v. King County Super. Ct.</i> (52 Wash. 196; 100 Pac. 317) 2126	<i>State v. Lashar</i> (71 Conn. 540; 42 Atl. 636; 44 L. R. A. 197) 634, 836, 2734
— <i>v. Kirk</i> (46 Conn. 395) 865, 866	— <i>v. Lathrop</i> (10 La. An. 398) 2353, 2354, 2379
— <i>v. Kirk</i> (44 Ind. 401; 15 Am. Rep. 239) 667	— <i>v. Latrobe</i> (80 Md. 222; 31 Atl. 788) 2647
— <i>v. Kirkley</i> (29 Md. 85) 905, 1154, 1156, 2645, 2646, 2648, 2869, 2873	— <i>v. Laverack</i> (34 N. J. L. 201) 10, 1078, 1787, 1866
— <i>v. Kirkwood</i> (14 Iowa, 162) 2660	— <i>v. Lawler</i> (103 Wis. 460; 79 N. W. 777) 2794
— <i>v. Kirkwood</i> (15 Wash. 298; 46 Pac. 331) 809, 816	— <i>v. Lean</i> (9 Wis. 279) 2713
— <i>v. Kispert</i> (21 Wis. 387) 2724	— <i>v. Leatherman</i> (38 Ark. 81) 121, 124
— <i>v. Kitsap County Super. Ct.</i> (46 Wash. 616; 91 Pac. 4) 2667	— <i>v. Leavenworth County</i> (2 Kan. 61) 2377
— <i>v. Kline</i> (23 Ark. 587) 642	— <i>v. Leaver</i> (62 Wis. 387; 22 N. W. 576) 1689
— <i>v. Knoxville</i> (12 Lea [Tenn.] 146) 1039, 1052	— <i>v. Leche</i> (113 La. 1; 36 So. 868) 2799
— <i>v. Kohnke</i> (109 La. 838; 33 So. 793) 1769, 2741, 2781	— <i>v. Ledford</i> (3 Mo. 102) 968
— <i>v. Kolsem</i> (130 Ind. 434; 29 N. E. 595) 334	— <i>v. Lee</i> (29 Minn. 445; 13 N. W. 913) 892, 893, 965, 972, 1125
— <i>v. Kraft</i> (18 Oreg. 550; 23 Pac. 663) 2730	— <i>v. Leffingwell</i> (54 Mo. 458) 60, 65, 68, 134, 1636, 2493, 2498, 2582
— <i>v. Kraft</i> (20 Oreg. 28; 23 Pac. 663) 680	— <i>v. Lehre</i> (7 Rich. 234) 2710, 2711, 2735
— <i>v. Krez</i> (88 Wis. 135; 59 N. W. 593) 174, 175, 670	— <i>v. Leischer</i> (117 Wis. 475; 94 N. W. 299) 2741
— <i>v. Kriegbaum</i> (9 Ohio Cir. Ct. R. 619, aff'd 54 Ohio St. 615; 47 N. E. 1117) 2376	— <i>v. Leonard</i> (86 Tenn. 485; 7 S. W. 453) 730
— <i>v. Krollman</i> (38 N. J. L. 323) 2446	— <i>v. Leovy</i> (21 La. An. 538) 176
— <i>v. Kuehn</i> (34 Wis. 229) 799	— <i>v. Lewelling</i> (51 Kan. 562; 33 Pac. 425) 334
— <i>v. Kurtz</i> (21 Ohio Cir. Ct. 261) 753	— <i>v. Lewis</i> (51 Conn. 113) 646
— <i>v. Laclede Gas Light Co.</i> (102 Mo. 472; 14 S. W. 974; 15 S. W. 383; 22 Am. St. Rep. 789) 2141, 2152, 2242	— <i>v. Lewis</i> (50 Ohio St. 179; 33 N. E. 405; 19 L. R. A. 449) 675
— <i>v. La Crosse</i> (101 Wis. 208; 77 N. W. 167) 1258, 2601	— <i>v. Lewis</i> (74 Ohio, 403; 78 N. E. 523) 265
— <i>v. Lafayette</i> (49 La. An. 1748; 22 So. 756, 1008) 423, 1340	— <i>v. Lewis</i> (6 Ohio Dec. 221) 1311
— <i>v. Lafferty</i> (5 Harring. [Del.] 491) 675, 982	— <i>v. Lewis Co.</i> (72 Minn. 87; 75 N. W. 108) 2426, 2533
— <i>v. La Grave</i> (22 Nev. 417; 41 Pac. 115) 2706	— <i>v. Lewis Co.</i> (82 Minn. 390; 85 N. W. 207; 86 N. W. 611) 2533
— <i>v. Lake City</i> (25 Minn. 404) 627	— <i>v. Lichtenstein</i> (44 W. Va. 99; 28 S. E. 753) 2326
— <i>v. Lamberton</i> (37 Minn. 362; 34 N. W. 336) 2794	— <i>v. Lieber</i> (11 Iowa, 407) 1073
— <i>v. Lancaster County</i> (6 Neb. 474) 659, 662	— <i>v. Liebes</i> (19 Wash. 589; 54 Pac. 26) 1267, 1273
— <i>v. Lancaster County Bank</i> (8 Neb. 218) 2813	— <i>v. Lincoln</i> (4 Neb. 260) 724
— <i>v. Langlie</i> (5 N. Dak. 594; 67 N. W. 958; 32 L. R. A. 723) 655, 656, 660	— <i>v. Lincoln</i> (68 Neb. 597; 94 N. W. 719) 2656, 2659
— <i>v. Langston</i> (88 N. Car. 692) 965, 967	— <i>v. Lincoln Street R. Co.</i> (80 Neb. 333; 114 N. W. 422; 14 L. R. A. n. s. 336) 1948, 1963, 1968, 2737
— <i>v. Lansing</i> (46 Neb. 514; 64 N. W. 1104; 35 L. R. A. 124) 644	— <i>v. Lindquist</i> (77 Minn. 540; 80 N. W. 701) 972
— <i>v. Larkin</i> (41 Tex. Civ. App. 253; 90 S. W. 912) 125, 126	— <i>v. Lindsay</i> (34 Ark. 372) 965
— <i>v. Larrabee</i> (104 Minn. 37; 115 N. W. 948) 1854	— <i>v. Lindsay</i> (103 Tenn. 625; 53 S. W. 950) 730
	— <i>v. Lingo</i> (26 Mo. 496) 783, 787, 790

[References are to pages]

- State *v.* Linkhauer (142 Ind. 94; 41 N. E. 325) 721  
 — *v.* Linn County Court (44 Mo. 504) 1514  
 — *v.* Livaudais (48 La. An. 847; 19 So. 946) 2666  
 — *v.* Liverpool, L. & G. Ins. Co. (40 La. An. 463; 4 So. 504) 2380  
 — *v.* Lochte (45 La. An. 1405; 14 So. 215) 1695  
 — *v.* Lockett (52 La. An. 1620; 28 So. 157) 2658  
 — *v.* Lockwood (43 Wis. 403) 1120  
 — *v.* Long (21 Mont. 26; 52 Pac. 645) 330  
 — *v.* Longfellow (95 Mo. App. 668; 69 S. W. 599) 735  
 — *v.* Loomis (115 Mo. 307; 22 S. W. 350) 205  
 — *v.* Louisiana, B. G. & A. Gravel Road Co. (116 Mo. App. 175; 92 S. W. 153) 2736, 2737  
 — *v.* Louisiana Sav. Bank & S. D. Co. (32 La. An. 1136) 2441  
 — *v.* Louisiana State Board of Agriculture (122 La. 677; 48 So. 148) 2659  
 — *v.* Louisville, N. A. & C. R. Co. (86 Ind. 114) 1858  
 — *v.* Ludwig (21 Minn. 202) 970  
 — *v.* Lund (167 Mo. 228; 66 S. W. 1062; 67 S. W. 572) 717, 719  
 — *v.* Lyle (100 N. Car. 497; 6 S. E. 379) 1661  
 — *v.* Lyon (32 N. J. L. 360) 2446  
 — *v.* Lyons (31 Iowa, 432) 2739  
 — *v.* McAdoo (184 N. Y. 268; 77 N. E. 17, aff'g 109 N. Y. App. Div. 892; 96 N. Y. Supp. 868) 760  
 — *v.* McAllister (38 W. Va. 485; 18 S. E. 770) 59  
 — *v.* McArthur (13 Wis. 383) 1133  
 — *v.* McCammon (111 Mo. App. 626; 86 S. W. 510) 1017  
 — *v.* McCardy (62 Minn. 509; 64 N. W. 1133) 2294, 2299  
 — *v.* McCauley (15 Cal. 429, 455) 354  
 — *v.* McClain (187 Mo. 409; 86 S. W. 135) 2736, 2737, 2740  
 — *v.* McConnell (3 Lea [Tenn.] 332) 2728  
 — *v.* McCracken (51 Ohio St. 123; 36 N. E. 941) 720  
 — *v.* McCrillus (4 Kan. 250) 2651  
 — *v.* McDonald (101 Minn. 349; 112 N. W. 278) 2740  
 — *v.* McDowell (19 Neb. 442; 27 N. W. 433) 732  
 — *v.* McDowell (Dudley [S. Car.] Law, 346) 1041  
 — *v.* McFarland (149 Ind. 266; 49 N. E. 5; 39 L. R. A. 282) 838, 857  
 State *v.* McGarry (21 Wis. 496) 787, 794, 795, 799, 815  
 — *v.* McGovern (100 Wis. 666; 76 N. W. 593) 125, 232  
 — *v.* McGowan (138 Mo. 187; 39 S. W. 771) 658, 660  
 — *v.* McGuire (74 Neb. 769; 105 N. W. 471) 2647, 2654  
 — *v.* McIver (88 N. Car. 686) 1661  
 — *v.* McLaughlin (15 Kan. 228; 22 Am. Rep. 264) 2791  
 — *v.* McLean County (11 N. Dak. 356; 92 N. W. 385) 2740  
 — *v.* McMahon (62 Minn. 110; 64 N. W. 92) 1072, 1073  
 — *v.* McMillan (52 S. Car. 60; 29 S. E. 540) 2646  
 — *v.* McMillen (23 Neb. 385; 36 N. W. 587) 639  
 — *v.* McMonies (75 Neb. 443; 106 N. W. 454) 1113  
 — *v.* McNay (90 Wis. 104; 62 N. W. 917) 2880  
 — *v.* McPeak (31 Neb. 139; 47 N. W. 691) 2193  
 — *v.* McQuade (36 Wash. 579; 79 Pac. 207) 1315, 2653  
 — *v.* McRae (49 Fla. 389; 38 So. 605) 2707  
 — *v.* McReynolds (61 Mo. 203) 100, 618, 2425, 2426, 2736, 2737, 2742  
 — *v.* McVea (26 La. An. 151) 2468  
 — *v.* Maberry (3 Strob. [S. Car.] 144) 678  
 — *v.* Macalester College (87 Minn. 165; 91 N. W. 484) 2533, 2572  
 — *v.* Mackie (82 Conn. 398; 74 Atl. 759; 26 L. R. A. n. s. 660) 2732  
 — *v.* Macon County (68 Mo. 29) 2677, 2681  
 — *v.* Macon County Ct. (41 Mo. 453) 1517  
 — *v.* Macy (72 Mo. App. 427) 440  
 — *v.* Madison (7 Wis. 688) 523, 1325, 1347, 1557, 1561  
 — *v.* Madison Council (15 Wis. 30) 2676, 2679, 2702, 2718, 2720, 2725  
 — *v.* Madison St. R. Co. (72 Wis. 612; 40 N. W. 487; 1 L. R. A. 771) 1907, 1960, 2177  
 — *v.* Mahner (43 La. An. 496; 9 So. 480) 935  
 — *v.* Maine (27 Conn. 641; 71 Am. Dec. 89) 1800, 1807  
 — *v.* Mainey (65 Ind. 404) 1798  
 — *v.* Malheur County Court (46 Oreg. 519; 81 Pac. 368) 2648  
 — *v.* Malone (74 Neb. 645; 105 N. W. 893) 280, 314  
 — *v.* Maloy (20 Kan. 619) 132  
 — *v.* Manitowoc (52 Wis. 423; 9 N. W. 607) 2651

## TABLE OF CASES CITED

421

[References are to pages]

State <i>v.</i> Mansfield (41 Mo. 470)	1120	State <i>v.</i> Merry (3 Mo. 278)	445
— <i>v.</i> Mansfield (99 Mo. App. 146; 72 S. W. 471)	124, 2738, 2740, 2742	— <i>v.</i> Messerly (198 Mo. 35; 95 S. W. 913)	284, 296, 311
— <i>v.</i> Mansfield (23 N. J. L. 510; 57 Am. Dec. 409)	1557, 2445	— <i>v.</i> Messolongitis (74 Minn. 165; 77 N. W. 29)	1869, 1870
— <i>v.</i> Marble (4 Ired. [N. Car.] L. 318)	1695	— <i>v.</i> Michigan City (138 Ind. 455; 37 N. E. 1041)	1153, 1155, 1156, 1173, 2080, 2811
— <i>v.</i> Marciniak (97 Minn. 355; 105 N. W. 965)	1128	— <i>v.</i> Middle Kittitas Irr. Dist. (56 Wash. 488; 106 Pac. 203)	2654, 2695, 2696
— <i>v.</i> Marion County (170 Ind. 595; 85 N. E. 513)	2856	— <i>v.</i> Midgett (151 N. Car. 1; 65 S. E. 441)	2732
— <i>v.</i> Marion County (21 Kan. 419)	450, 1169, 2772	— <i>v.</i> Miles (138 Ind. 692; 38 N. E. 400)	1820
— <i>v.</i> Marion County Court (128 Mo. 427; 30 S. W. 103; 31 S. W. 23)	284, 287, 324, 441	— <i>v.</i> Miles (210 Mo. 127; 109 S. W. 595)	2672
— <i>v.</i> Marlow (15 Ohio St. 114)	649, 652, 653, 1135, 2730	— <i>v.</i> Miller (145 Ind. 598; 44 N. E. 309)	1310
— <i>v.</i> Maroney (191 Mo. 531; 90 S. W. 141)	792	— <i>v.</i> Miller (109 La. 704; 33 So. 739)	2799
— <i>v.</i> Marshall (64 N. H. 549; 15 Atl. 210; 1 L. R. A. 51)	1007	— <i>v.</i> Miller (67 Mo. 604)	195
— <i>v.</i> Marshall County (7 Iowa, 186)	2665, 2708, 2709, 2726	— <i>v.</i> Miller (100 Mo. 606; 13 S. W. 832, 1051)	117, 257, 267, 275, 276, 280, 284
— <i>v.</i> Marston (6 Kan. 524)	2665, 2733	— <i>v.</i> Miller (30 N. J. L. 368; 86 Am. Dec. 188)	446
— <i>v.</i> Mason (43 La. An. 590; 9 So. 776)	2660	— <i>v.</i> Miller (62 Ohio St. 436; 57 N. E. 227)	666, 667, 857, 858, 859
— <i>v.</i> Mason (153 Mo. 23; 54 S. W. 524)	118, 176, 272, 2386, 2677	— <i>v.</i> Mills (34 N. J. L. 177)	448
— <i>v.</i> Mason (155 Mo. 486; 55 S. W. 636)	284, 441	— <i>v.</i> Milne (36 Neb. 301; 54 N. W. 521; 19 L. R. A. 689; 38 Am. St. Rep. 724)	746
— <i>v.</i> Massillon (24 Ohio Cir. Ct. 249)	1314	— <i>v.</i> Milwaukee (20 Wis. 87)	1586, 2675, 2676, 2679, 2687
— <i>v.</i> Mastin (103 Mo. 508; 15 S. W. 529)	2605	— <i>v.</i> Milwaukee (22 Wis. 397)	2714, 2715, 2719
— <i>v.</i> Mathis (21 Ind. 277)	1767	— <i>v.</i> Milwaukee (25 Wis. 122)	193, 1348, 2675
— <i>v.</i> May (106 Mo. 488; 17 S. W. 660)	2673	— <i>v.</i> Milwaukee, B. & L. G. R. Co. (116 Wis. 142; 92 N. W. 546)	1907, 1990
— <i>v.</i> Maynard (14 Ill. 419)	669, 1118, 1119	— <i>v.</i> Milwaukee County (105 Wis. 651; 81 N. W. 1046; 48 L. R. A. 819)	901, 902, 916, 917, 923, 2754
— <i>v.</i> Mayo (15 N. Dak. 327; 108 N. W. 36)	103	— <i>v.</i> Milwaukee Elect. R. & L. Co. (136 Wis. 179; 116 N. W. 900; 18 L. R. A. n. s. 672)	2729
— <i>v.</i> Maysville (12 S. Car. 76)	2398, 2402	— <i>v.</i> Milwaukee Gaslight Co. (29 Wis. 454; 9 Am. Rep. 598)	145, 1918, 1920, 2157
— <i>v.</i> Medbery (7 Ohio St. 522, 531)	354	— <i>v.</i> Milwaukee Indep. Tel. Co. (133 Wis. 588; 114 N. W. 108)	1923, 1990, 2729
— <i>v.</i> Meier (143 Mo. 439; 45 S. W. 306)	837, 2654	— <i>v.</i> Milwaukee L. S. & W. R. Co. (45 Wis. 579)	2728
— <i>v.</i> Meier (72 Mo. App. 618)	950	— <i>v.</i> Mineral Pt. (22 Wis. 396)	2719, 2724
— <i>v.</i> Meier (96 Mo. App. 160; 69 S. W. 668)	1142	— <i>v.</i> Minneapolis (32 Minn. 501; 21 N. W. 722)	1416
— <i>v.</i> Menaugh (151 Ind. 260; 51 N. E. 117, 357; 43 L. R. A. 408)	717	— <i>v.</i> Minneapolis (65 Minn. 298; 68 N. W. 3)	2623
— <i>v.</i> Menzie (17 S. Dak. 535; 97 N. W. 745)	2709		
— <i>v.</i> Merchant ([Tex. Civ. App.], 85 S. W. 483)	620		
— <i>v.</i> Merchants' Ins. Co. (12 La. An. 802)	750		
— <i>v.</i> Merrill (37 Me. 229)	1094, 1098		

[References are to pages]

State v. Minneapolis (87 Minn. 156; 91 N. W. 298)	2651	State v. Morgan's Louisiana & T. R. & S. S. Co. (111 La. 120; 35 So. 482)	1702
— v. Minneapolis Park Com'rs (100 Minn. 150; 110 N. W. 1121)	1803, 1804, 1838, 1839	— v. Moriarty (74 Ind. 103)	1767
— v. Minneapolis Transfer R. Co. (80 Minn. 108; 83 N. W. 32; 89 Am. St. Rep. 514)	1155	— v. Moriarity (82 Minn. 68; 84 N. W. 495)	2741
— v. Minor (79 Minn. 201; 81 N. W. 912)	330	— v. Morris (47 La. An. 1660; 18 So. 710)	1029
— v. Missouri & K. Tel. Co. (189 Mo. 83; 88 S. W. 41)	112, 114, 116, 117, 118, 2229, 2230, 2231, 2232	— v. Morris (14 Wash. 262; 44 Pac. 266)	2730
— v. Missouri Pac. R. Co. (33 Kan. 176; 5 Pac. 772)	2063	— v. Morris & E. R. Co. (23 N. J. L. 360)	1784, 1785, 1787, 1990, 2801
— v. Missouri Pac. R. Co. (92 Mo. 137; 6 S. W. 862)	2385	— v. Morris Common Pleas (36 N. J. L. 72; 13 Am. Rep. 422)	128
— v. Mitchell (58 Iowa, 567; 12 N. W. 598)	1711	— v. Morristown (33 N. J. L. 57)	446, 447, 922, 1802, 1847
— v. Mitchell (31 Ohio St. 592)	285, 286, 1196, 2606	— v. Mortenser (69 Neb. 376; 95 N. W. 831)	2651
— v. Mitchell (2 Tr. Const. [S. Car.] 703)	2652, 2654	— v. Morton (51 S. Car. 323; 28 S. E. 945)	1288, 1310
— v. Mobile (5 Port. [Ala.] 279; 30 Am. Dec. 564)	451, 1075, 1752, 1785, 1787, 1866	— v. Moss (2 Jones [N. Car.] Law, 66)	1130
— v. Mobile (24 Ala. 701)	144, 443, 444	— v. Moss (44 Wash. 91; 86 Pac. 1129)	1285
— v. Moffitt (5 Ohio, 356)	2660, 2666, 2731	— v. Mott (61 Md. 297; 48 Am. Rep. 105)	933, 1001, 1039
— v. Monroe (40 Wash. 545; 82 Pac. 888)	1910, 1948, 1973	— v. Moultrieville (Rice [S. Car.] Law, 158)	955, 956
— v. Montague (34 Fla. 32; 15 So. 589)	2312	— v. Mount (20 La. An. 352)	2676, 2677
— v. Montclair Ry. Co. (35 N. J. L. 328)	1919	— v. Mt. Pleasant (8 Rich. L. [S. Car.] 214)	2458
— v. Montgomery (74 Ala. 226)	1416	— v. Mt. Pleasant (16 Wis. 613)	2661
— v. Montgomery (92 Me. 433; 43 Atl. 13)	2323	— v. Muir (164 Mo. 610; 65 S. W. 285, aff'g 86 Mo. App. 643)	972, 977
— v. Montgomery (94 Me. 192; 47 Atl. 165; 80 Am. St. Rep. 386)	2325	— v. Murfreesboro (11 Humph. [Tenn.] 217)	440, 773, 2802, 2993
— v. Moore (27 Ind. App. 83; 60 N. E. 955)	2215	— v. Murphy (32 Fla. 138; 13 So. 705)	722
— v. Moore (74 Mo. 413; 41 Am. Rep. 322)	764	— v. Murphy (130 Mo. 10; 31 S. W. 594; 31 L. R. A. 798, aff'g 170 U. S. 78)	2060, 2142
— v. Moore (45 Neb. 12; 63 N. W. 130)	1359	— v. Murphy (134 Mo. 548; 31 S. W. 784; 34 S. W. 51; 35 S. W. 1132; 34 L. R. A. 369; 56 Am. St. Rep. 515)	1004, 1192, 2070, 2117
— v. Moore (113 N. Car. 697; 18 S. E. 342; 22 L. R. A. 472)	2462, 2471, 2476	— v. Murray (28 Wis. 96; 9 Am. Rep. 489)	639
— v. Moore (54 S. Car. 556; 32 S. E. 700)	2799	— v. Muttly (39 Wash. 624; 82 Pac. 118)	1294
— v. Moores (52 Neb. 770; 73 N. W. 299)	639	— v. Myers (52 Wis. 628; 9 N. W. 777)	173
— v. Moores (55 Neb. 480; 76 N. W. 175; 41 L. R. A. 624)	159	— v. Namias (49 La. An. 618; 21 So. 852; 62 Am. St. Rep. 657)	1072, 1073
— v. Moores (56 Neb. 1; 76 N. W. 530)	640	— v. Narragansett (16 R. I. 424; 16 Atl. 901; 3 L. R. A. 295)	63, 143
— v. Moores (61 Neb. 9; 84 N. W. 399)	735	— v. Narrows Island Club (100 N. Car. 477; 5 S. E. 411)	488
— v. Morgan (109 Tenn. 157; 69 S. W. 970)	1310		

# TABLE OF CASES CITED

423

[References are to pages]

State v. Nash (66 Ohio St. 612; 64 N. E. 558) 2660, 2708	State v. New Orleans (48 La. An. 643; 19 So. 690) 1223
— v. Nashville (15 Lea [Tenn.] 697; 54 Am. Rep. 427) 735, 741, 923	— v. New Orleans (50 La. An. 880) 2781
— v. Nashville Univ. (4 Humph. [Tenn.] 157) 1561	— v. New Orleans (52 La. An. 1604; 28 So. 116) 2665
— v. Natal (39 La. An. 439; 1 So. 923) 602	— v. New Orleans (107 La. 162; 31 So. 662) 2706
— v. Nealon (73 N. J. L. 100; 62 Atl. 182) 279, 316	— v. New Orleans (107 La. 632; 32 So. 22) 2672
— v. Nease (46 Oreg. 433; 80 Pac. 897) 1110	— v. New Orleans Gaslight Co. (108 La. 67; 32 So. 179) 2206, 2209
— v. Nebraska Tel. Co. (127 Iowa, 194; 103 N. W. 120) 873, 2739	— v. New York, N. H. & H. R. Co. (71 Conn. 43; 40 Atl. 925) 150
— v. Neely (30 S. Car. 587; 9 S. E. 664; 3 L. R. A. 672) 569, 576	— v. Newark (25 N. J. L. 399) 834, 910, 912, 2607, 2784, 2793, 2794
— v. Nelson (21 Neb. 572; 32 N. W. 589) 2647	— v. Newark (26 N. J. L. 515) 2315
— v. Nelson (52 Ohio St. 88; 39 N. E. 22; 26 L. R. A. 317) 285	— v. Newark (27 N. J. L. 185) 233, 665, 912, 2491, 2510, 2574, 2575
— v. Nelson (57 Wis. 147; 15 N. W. 14) 2596, 2598	— v. Newark (28 N. J. L. 491) 466
— v. Nelson (105 Wis. 111; 80 N. W. 1105) 2650	— v. Newark (30 N. J. L. 303) 908, 946
— v. Neosho (203 Mo. 40; 101 S. W. 99) 368, 369, 370	— v. Newark (34 N. J. L. 236) 137, 984
— v. Nevin (19 Nev. 162; 7 Pac. 650; 3 Am. St. Rep. 873) 763	— v. Newark (37 N. J. L. 415; 18 Am. Rep. 729, rev'g s. c. 35 N. J. L. 168) 1182, 2316, 2491, 2517, 2570
— v. New Brunswick (30 N. J. L. 395) 461, 464, 2405, 2498, 2510	— v. Newark (38 N. J. L. 264) 1043
— v. New Brunswick (32 N. J. L. 548) 1837	— v. Newark (40 N. J. L. 297) 2721
— v. New Brunswick (44 N. J. L. 116) 2581	— v. Newark (40 N. J. L. 550) 131
— v. New England Furn. & C. Co. (107 Minn. 52; 119 N. W. 427) 2484	— v. Newark (44 N. J. L. 344) 1920
— v. New England Mut. Ins. Co. (43 La. An. 133; 8 So. 888) 2380	— v. Newark (49 N. J. L. 170) 2796
— v. New Haven & N. Co. (43 Conn. 351) 2186	— v. Newark (6 Ohio N. P. 523) 2668
— v. New Orleans (15 La. An. 354) 2379, 2503	— v. Newark (57 Ohio St. 430; 49 N. E. 407) 991, 2739
— v. New Orleans (20 La. An. 172) 1246	— v. Newberry (10 Rich. L. [S. Car.] 339) 2445
— v. New Orleans (23 La. An. 353) 548	— v. Newman (91 Mo. 445; 3 S. W. 849) 640, 2647, 2666
— v. New Orleans (30 La. An. 82) 2678	— v. Newman (96 Wis. 258; 71 N. W. 438) 675, 1110, 1112
— v. New Orleans (30 La. An. 129) 2678, 2679, 2692	— v. Newton County (165 Ind. 262; 74 N. E. 1091) 897
— v. New Orleans (35 La. An. 68) 2679, 2718	— v. Nicholas (109 La. 84; 33 So. 92) 902
— v. New Orleans (35 La. An. 221) 2679	— v. Nichols (83 Minn. 3; 85 N. W. 717) 670
— v. New Orleans (36 La. An. 687) 193	— v. Nichols (40 Wash. 437; 82 Pac. 741) 2661
— v. New Orleans (37 La. An. 13) 193, 423	— v. Nield (4 Kan. App. 626; 45 Pac. 623) 678
— v. New Orleans (37 La. An. 436) 194	— v. Nieman (6 Ohio N. P. 419) 1197
— v. New Orleans (37 La. An. 528) 193	— v. Nodaway County Ct. Jus. (47 Mo. 349) 1517
	— v. Nohl (113 Wis. 15; 88 N. W. 1004) 901, 1120
	— v. Nohle (16 N. Dak. 168; 112 N. W. 141; 125 Am. St. Rep. 628) 2740
	— v. Nolan (71 Neb. 136; 98 N. W. 657) 160, 176



[References are to pages]

- State *v. Nolle* (96 Mo. App. 524; 70 S. W. 504) 440  
 — *v. Noonan* (59 Mo. App. 524) 2708  
 — *v. North* (42 Conn. 79) 2737  
 — *v. North* (27 Mo. 464) 2323  
 — *v. Northern Pac. Express Co.* (27 Mont. 419; 71 Pac. 404; 94 Am. St. Rep. 824) 2343  
 — *v. Norton* (63 Minn. 497; 65 N. W. 935) 2533, 2635  
 — *v. Norton* (7 Ohio Dec. 354) 1216  
 — *v. Norvell* (80 Mo. App. 180) 2718  
 — *v. Norwood* (12 Md. 177) 683  
 — *v. Noyes* (25 Nev. 31; 56 Pac. 946) 1221  
 — *v. Noyes* (30 N. H. 292) 26, 30, 127, 1114, 2396  
 — *v. Oates* (86 Wis. 634; 57 N. W. 296) 2673  
 — *v. O'Brien* (89 Mo. 631; 1 S. W. 763) 2427  
 — *v. Ocean* (39 N. J. L. 75) 2779  
 — *v. O'Connor* (81 Minn. 79; 83 N. W. 498) 111, 113, 114, 117, 255  
 — *v. O'Connor* (5 N. Dak. 629; 67 N. W. 824) 2476  
 — *v. O'Hara* (36 La. An. 93) 2380  
 — *v. Oleson* (26 Minn. 507; 5 N. W. 959) 972  
 — *v. Olinger* (109 Iowa, 669; 80 N. W. 1060) 440, 735  
 — *v. Olson* (55 Minn. 118; 56 N. W. 585) 766  
 — *v. Omaha* (14 Neb. 265; 15 N. W. 210; 45 Am. Rep. 108) 1857, 1862, 2647  
 — *v. Omaha & C. B. R. & B. Co.* (113 Iowa, 30; 84 N. W. 983; 52 L. R. A. 315; 86 Am. St. Rep. 357) 318, 892, 906, 930, 945, 947  
 — *v. O'Neil* (49 La. An. 1171; 22 So. 352) 1104  
 — *v. Orange* (31 N. J. L. 131) 2662  
 — *v. Orange* (32 N. J. L. 49) 1649, 2596  
 — *v. Orange* (54 N. J. L. 111; 22 Atl. 1004) 1633  
 — *v. Orleans Par. Dist. Judge* (21 La. An. 741) 2726  
 — *v. Orr* (68 Conn. 101; 35 Atl. 770) 1023, 1024, 1025, 1028  
 — *v. Orr* (61 Ohio St. 384; 56 N. E. 14) 638, 862  
 — *v. Osawkee Tp.* (14 Kan. 418; 19 Am. Rep. 99) 578  
 — *v. Osborn* (60 Neb. 415; 83 N. W. 357) 2650, 2709  
 — *v. Osburn* (24 Nev. 187; 51 Pac. 837) 2795  
 — *v. Oshkosh* (84 Wis. 548; 54 N. W. 1095) 1641, 1648, 1667  
 State *v. Oshkosh, A. & B. W. R. Co.* (100 Wis. 538; 77 N. W. 193) 2799  
 — *v. Otis* (53 Minn. 318; 55 N. W. 143) 2608  
 — *v. Ottawa County* (5 Ohio N. P. 260) 2770  
 — *v. Owsley* (122 Mo. 68; 26 S. W. 659) 117, 2386  
 — *v. Pacific* (61 Mo. 155) 1320, 2677, 2678, 2714  
 — *v. Pacific Brewing & Malting Co.* (21 Wash. 451; 58 Pac. 584; 47 L. R. A. 208) 2709  
 — *v. Pacific County Super. Ct.* (51 Wash. 386; 99 Pac. 3) 2117, 2126  
 — *v. Pacific Guano Co.* (22 S. Car. 50) 494  
 — *v. Page* (140 Mo. 184; 41 S. W. 963) 638, 639  
 — *v. Palmer* (10 Neb. 203; 4 N. W. 965) 443, 2668  
 — *v. Paris R. Co.* (55 Tex. 76) 985  
 — *v. Parker* (25 Minn. 215) 2735  
 — *v. Parker* (32 N. J. L. 426) 2444  
 — *v. Parker* (26 Vt. 362) 2403  
 — *v. Parsons* (40 N. J. L. 1) 61, 101, 2745  
 — *v. Passaic* (41 N. J. L. 90) 450, 1169, 2598  
 — *v. Passaic Turnpike Co.* (27 N. J. L. 217) 1801  
 — *v. Patamia* (34 La. An. 750) 953  
 — *v. Paterson* (34 N. J. L. 163) 461, 462, 918  
 — *v. Paterson* (35 N. J. L. 190) 667  
 — *v. Paterson* (36 N. J. L. 159) 1648, 2611  
 — *v. Paterson* (38 N. J. L. 190) 2672  
 — *v. Paterson* (40 N. J. L. 186) 1243  
 — *v. Paterson* (40 N. J. L. 244) 2611  
 — *v. Paterson & H. Turnp. Co.* (21 N. J. L. 9) 2728  
 — *v. Pat. Av. R. Com'rs* (41 N. J. L. 83) 2609  
 — *v. Patton* (108 Mo. App. 26; 82 S. W. 537) 2649  
 — *v. Pawnee County* (12 Kan. 426) 66, 126  
 — *v. Pawtucket* (18 R. I. 350; 27 Atl. 440) 2657  
 — *v. Pawtuxet Turnp. Co.* (8 R. I. 521; 94 Am. Dec. 123) 2743  
 — *v. Payasan* (47 La. An. 1029; 17 So. 481; 49 Am. St. Rep. 390) 1025  
 — *v. Peel Splint Coal Co.* (36 W. Va. 802; 17 L. R. A. 385) 205, 207  
 — *v. Pender* (66 N. Car. 313) 1119  
 — *v. Pennington* (124 Mo. 388; 27 S. W. 1106) 441  
 — *v. Pennoyer* (26 Oreg. 205; 37 Pac. 906; 41 Pac. 1104; 25 L. R. A. 862) 2764



## TABLE OF CASES CITED

425

[References are to pages]

- State v. Perkins* (139 Mo. 106; 40 S. W. 650) 717  
 — *v. Perkins* (24 N. J. L. 409) 681, 1119  
 — *v. Perry County* (5 Ohio St. 497) 2709, 2775  
 — *v. Perrysburg* (14 Ohio St. 472) 1375  
 — *v. Perth Amboy* (29 N. J. L. 259) 1648, 2611  
 — *v. Perth Amboy* (38 N. J. L. 425) 2451, 2454  
 — *v. Peterson* (50 Minn. 239; 52 N. W. 655) 784  
 — *v. Petit* (74 Minn. 376; 77 N. W. 225) 1096  
 — *v. Pettis* (7 Rich. [S. Car.] Law, 390) 1892  
 — *v. Philadelphia, W. & B. R. Co.* (45 Md. 361; 24 Am. Rep. 511) 2473  
 — *v. Philipsburg* (23 Mont. 16; 57 Pac. 405) 2294  
 — *v. Phillips* (79 Me. 506; 11 Atl. 274) 859  
 — *v. Piazza* (66 Miss. 426; 6 So. 316) 2479  
 — *v. Pillsbury* (30 La. An. 705) 1307  
 — *v. Pillsbury* (82 Minn. 359; 85 N. W. 175) 2369, 2533, 2609, 2616  
 — *v. Pike* (17 Ohio Cir. Ct. R. 624) 2652  
 — *v. Pinckney* (10 Rich. L. [S. Car.] 474) 2323  
 — *v. Pinckney* (22 S. Car. 484) 494  
 — *v. Pinkerman* (63 Conn. 176; 28 Atl. 110; 22 L. R. A. 653) 734, 838  
 — *v. Pitot* (21 La. An. 336) 2673  
 — *v. Pittsburg, Y. & A. R. Co.* (50 Ohio St. 239; 33 N. E. 1051) 1905  
 — *v. Plainfield* (38 N. J. L. 95) 984, 1649, 2451, 2609, 2610  
 — *v. Plunkett* (3 Harr. [N. J.] 5) 968, 1012  
 — *v. Plymell* (46 Kan. 294; 26 Pac. 479) 727  
 — *v. Police Jury* (108 La. 311; 32 So. 363) 2651  
 — *v. Policemen's Pension Fund* (119 Wis. 436; 96 N. W. 825) 759  
 — *v. Policemen's Pension Fund Trustees* (121 Wis. 44; 98 N. W. 954) 276, 280, 285  
 — *v. Pollard* (6 R. I. 290) 968  
 — *v. Popejoy* (165 Ind. 177; 74 N. E. 994) 724  
 — *v. Pors* (107 Wis. 420; 83 N. W. 706; 51 L. R. A. 917) 2441, 2443  
 — *v. Portage* (12 Wis. 562) 1665, 2563, 2576, 2585  
 — *State v. Portage City Water Co.* (107 Wis. 441; 83 N. W. 697) 1907, 1960, 1990, 2176, 2177, 2729  
 — *v. Porter* (7 Ind. 204) 679  
 — *v. Porter* (113 Ind. 79; 14 N. E. 883) 850, 874  
 — *v. Portland* (74 Me. 268; 43 Am. Rep. 586) 2801, 2803, 2804  
 — *v. Portland Nat. Gas & Oil Co.* (153 Ind. 483; 53 N. E. 1089; 53 L. R. A. 413) 2178, 2205  
 — *v. Powell* (101 Iowa, 382; 70 N. W. 592) 2743  
 — *v. Powell* (77 Miss. 543; 27 So. 927; 48 L. R. A. 652) 660, 661  
 — *v. Powell* (67 Mo. 395; 29 Am. Rep. 512) 764  
 — *v. Powell* (97 N. Car. 417; 1 S. E. 482) 1127  
 — *v. Powell* (100 N. Car. 525; 6 S. E. 424) 2471, 2472  
 — *v. Powers* (38 Ohio St. 54) 242, 250, 262, 263, 264, 265, 280, 329  
 — *v. Powles* (136 Mo. 376; 37 S. W. 1124) 2734  
 — *v. Poydras* (9 La. An. 165) 2379  
 — *v. Preble County* (6 Ohio Dec. 268) 2708  
 — *v. Prendergast* (8 Ohio Cir. Ct. R. 401) 2658  
 — *v. Price* (25 N. J. L. 331) 2660  
 — *v. Priester* (43 Minn. 373; 45 N. W. 712) 907  
 — *v. Pritchard* (36 N. J. L. 101) 2728  
 — *v. Pugh* (43 Ohio St. 98; 1 N. E. 439) 131, 242, 250, 251, 259, 264, 280, 299, 311, 317  
 — *v. Putnam County* (23 Fla. 632; 3 So. 164) 1767, 1798  
 — *v. Quayle* (26 Utah, 26; 71 Pac. 1060) 435  
 — *v. Quong* (8 Idaho, 191; 67 Pac. 491) 926  
 — *v. Raby* (31 Wash. 111; 71 Pac. 771) 1310  
 — *v. Rahway* (33 N. J. L. 110) 652, 727, 2664, 2665, 2667, 2668, 2708, 2710, 2713  
 — *v. Rainey* (74 Mo. 229) 2695  
 — *v. Rainey* (121 N. Car. 612; 28 S. E. 366) 614  
 — *v. Raisler* (133 Wis. 672; 114 N. W. 118) 2732  
 — *v. Ramos* (10 La. An. 420) 784, 2668  
 — *v. Ramsey* (8 Neb. 286) 2711  
 — *v. Ramsey County Dist. Ct.* (31 Minn. 354; 17 N. W. 954) 2593  
 — *v. Ramsey County Dist. Ct.* (33 Minn. 295; 23 N. W. 222) 2494, 2504, 2533, 2554, 2571  
 — *v. Ramsey County Dist. Ct.* (68 Minn. 242; 71 N. W. 27) 2638

## TABLE OF CASES CITED

[References are to pages]

State v. Ramsey County Dist. Ct. (75 Minn. 292; 77 N. W. 968) 2556	State v. Rich (20 Mo. 393) 121
— v. Ramsey County Dist. Ct. (77 Minn. 248; 79 N. W. 971) 2641	— v. Richards (50 Fla. 284; 39 So. 152) 2650, 2657, 2706, 2713
— v. Ramsey County Dist. Ct. (80 Minn. 293; 83 N. W. 183) 2533, 2580	— v. Richards (32 W. Va. 348; 9 S. E. 245; 3 L. R. A. 705) 2323
— v. Ramsey County Dist. Ct. (87 Minn. 146; 91 N. W. 300) 117, 1621	— v. Richland (20 Ohio St. 362) 568, 569, 2314
— v. Ramsey County Dist. Ct. (90 Minn. 294; 96 N. W. 737) 2608	— v. Richmond (1 R. I. 49) 1728
— v. Ramsey County Dist. Ct. (90 Minn. 540; 97 N. W. 425) 2615, 2616, 2619	— v. Richter (37 Wis. 275) 1314
— v. Ramsey County Dist. Ct. (95 Minn. 70; 103 N. W. 744) 2637	— v. Ricker (32 N. H. 179) 1133
— v. Ramsey County Dist. Ct. (95 Minn. 183; 103 N. W. 881) 2636, 2637, 2638	— v. Ridley (114 Tenn. 508; 85 S. W. 891) 764
— v. Ramsey County Dist. Ct. (95 Minn. 503; 104 N. W. 553) 2608, 2638	— v. Riley (49 La. An. 1617; 22 So. 843) 986
— v. Ramsey County Dist. Ct. (97 Minn. 147; 106 N. W. 306) 2637, 2638	— v. Riordan (75 N. J. L. 16; 69 Atl. 494) 2744
— v. Ramsey County Dist. Ct. (98 Minn. 63; 107 N. W. 726) 2637	— v. Riordan (24 Wis. 484) 129
— v. Ramseyer (73 N. H. 31; 58 Atl. 958) 1008	— v. Riplinger (30 Wash. 281; 70 Pac. 748) 115
— v. Randall (1 Strob. [S. Car.] 110; 47 Am. Dec. 548) 479	— v. Ritt (76 Minn. 531; 79 N. W. 535) 325
— v. Rankin (11 S. Dak. 144; 76 N. W. 299) 2326	— v. Rittenberg (112 La. 224; 36 So. 330) 2380, 2381
— v. Ray (97 N. Car. 510; 1 S. E. 876) 441	— v. Rives (12 Ark. 721) 1309
— v. Raymond (27 N. H. 388) 2801	— v. Robbins (124 Ind. 308; 24 N. E. 978; 8 L. R. A. 438) 1112
— v. Reads (76 Minn. 69; 78 N. W. 883) 444, 590	— v. Roberts (11 Gill & J. [Md.] 506) 2400
— v. Real Estate Building & Loan Ass'n (151 Ind. 502; 51 N. E. 1061) 2649	— v. Roberts (68 Mo. 234; 30 Am. Rep. 788) 683
— v. Reckards (21 Minn. 47) 980	— v. Robinson (1 Kan. 188) 2657
— v. Red Lodge (30 Mont. 338; 76 Pac. 758) 1922, 1923, 1927, 1948, 2070	— v. Robitshek (60 Minn. 123; 33 L. R. A. 33) 977, 982
— v. Reed (36 Wash. 638; 79 Pac. 306) 2710	— v. Rocky Mountain Bell Tel. Co. (27 Mont. 394; 71 Pac. 311) 2349
— v. Reeves (44 Fla. 179; 32 So. 814) 2657	— v. Roggen (22 Neb. 118; 34 N. W. 108) 585, 1372
— v. Regents of University (54 Wis. 159; 11 N. W. 472) 1348	— v. Rolle (30 La. An. 991; 31 Am. Rep. 234) 2471
— v. Reis (38 Minn. 371; 38 N. W. 97) 2533, 2583	— v. Romero (122 La. 885; 48 So. 312) 2673
— v. Renick (157 Mo. 292; 57 S. W. 713) 977, 2649	— v. Roosa (11 Ohio St. 16, 25) 320
— v. Reynolds (190 Mo. 578; 89 S. W. 877) 2797	— v. Ross (24 N. J. L. 497) 2446
— v. Reynolds (14 Mont. 383; 36 Pac. 449) 1020	— v. Ross (39 Wash. 233; 81 Pac. 725) 2710
— v. Rhoades (6 Nev. 352) 678	— v. Ross (46 Wash. 28; 89 Pac. 158) 868
— v. Rice (97 N. Car. 421; 2 S. E. 180) 955, 976	— v. Rotwitt (15 Mont. 29; 37 Pac. 845) 257
	— v. Rowe (72 Md. 548; 20 Atl. 179) 2462
	— v. Royse ([Neb.], 91 N. W. 559) 2681
	— v. Royse ([Neb.], 97 N. W. 473) 2681
	— v. Rubey (77 Mo. 610, 617) 764
	— v. Ruff (30 La. An. 497) 962
	— v. Ruhe (24 Nev. 251; 52 Pac. 274) 308, 309, 655, 1384
	— v. Rush (7 Ind. 221) 762
	— v. Sabin (39 Neb. 570; 58 N. W. 178) 1285

## TABLE OF CASES CITED

427

[References are to pages]

State v. Sadler (25 Nev. 131; 58 Pac. 284; 83 Am. St. Rep. 573)	640	State v. Savage (64 Neb. 684; 90 N. W. 898; 91 N. W. 557)	2659
— v. St. John (30 Wash. 630; 71 Pac. 192)	1303	— v. Savannah (R. M. Charl. [Ga.] 250)	144, 198
— v. St. Joseph (37 Mo. 270)	128, 658	— v. Sayre (41 N. L. J. 158)	2925
— v. St. Louis (73 Mo. 435)	658, 660	— v. Schlier (3 Heisk. [Tenn.] 281)	2469
— v. St. Louis (90 Mo. 19; 1 S. W. 757)	792, 793, 809	— v. Schnierle (5 Rich. L. [S. C.] 299)	653, 2741, 2742
— v. St. Louis (145 Mo. 551; 46 S. W. 981; 42 L. R. A. 113)	2070	— v. Schonhausen (37 La. An. 42)	2380
— v. St. Louis (161 Mo. 371; 61 S. W. 658)	1198, 1868	— v. School District (30 Neb. 520; 46 N. W. 613; 27 Am. St. Rep. 420)	1888
— v. St. Louis (169 Mo. 31; 68 S. W. 900)	1198, 2132	— v. School Dist. No. 4 (13 Neb. 82; 12 N. W. 812)	1342
— v. St. Louis & S. F. R. Co. (117 Mo. 1; 22 S. W. 910)	117	— v. School Dist. No. 24 (13 Neb. 78; 12 N. W. 927)	1342
— v. St. Louis Board of Education (141 Mo. 45; 41 S. W. 924)	2386	— v. School Dist. No. 108 (85 Minn. 230; 88 N. W. 751)	2740
— v. St. Louis County (34 Mo. 546)	2858	— v. Schuchardt (42 La. An. 49; 7 So. 67)	1105, 1106
— v. St. Louis County Ct. (34 Mo. 546)	144, 159, 176, 177, 557	— v. Schwab (49 Ohio St. 229; 34 N. E. 736)	285, 286
— v. St. Louis County Ct. (47 Mo. 594, 600)	2415	— v. Schweickardt (109 Mo. 496; 19 S. W. 47)	1594, 2893
— v. St. Louis County Ct. (62 Mo. 244)	1666, 2771	— v. Scott (17 Mo. 521)	127
— v. St. Louis County Dist. Ct. (90 Minn. 457; 97 N. W. 132)	114, 117, 2815	— v. Scott (60 Neb. 98; 82 N. W. 320)	2656
— v. St. Martin's Par. Pol. Jury (32 La. An. 884)	2679	— v. Scott County M. R. Co. (207 Mo. 54; 105 S. W. 752)	2059
— v. St. Paul (104 La. 280; 29 So. 142)	2646	— v. Scougal (3 S. Dak. 55; 51 N. W. 858; 15 L. R. A. 477; 44 Am. St. Rep. 756)	1906
— v. St. Paul (113 La. 1066; 37 So. 972)	2657	— v. Searle (79 Neb. 111; 112 N. W. 380)	1314
— v. St. Paul (34 Minn. 250; 25 N. W. 449)	2796	— v. Seattle (42 Wash. 370; 85 Pac. 11)	2607
— v. St. Paul (36 Minn. 529; 32 N. W. 781)	923, 2575	— v. Seay (64 Mo. 89; 27 Am. Rep. 206)	717
— v. St. Paul City R. Co. (78 Minn. 331; 81 N. W. 200)	464	— v. Sedalia Gas Light Co. (34 Mo. App. 501)	2213, 2214, 2217
— v. St. Paul, M. & M. R. Co. (35 Minn. 131; 28 N. W. 3; 59 Am. Rep. 313)	2000, 2077, 2081, 2082	— v. Seebold (192 Mo. 720; 91 S. W. 491)	2387
— v. St. Paul, M. & M. R. Co. (62 Minn. 450; 64 N. W. 1140)	1739	— v. Sellers (7 Rich. Law [S. Car.] 368)	678
— v. Saline County (48 Mo. 390; 8 Am. Rep. 108)	1534	— v. Several Parcels of Land (83 Neb. 13; 119 N. W. 21)	2370
— v. Saline County (19 Neb. 253; 27 N. W. 122)	1219	— v. Several Pieces of Land (79 Neb. 638; 113 N. W. 248)	1661, 2577
— v. Saline County Court (45 Mo. 242)	1377, 1383, 1512, 1533, 1535, 2711	— v. Severance (49 Mo. 401)	985
— v. Saline County Court (51 Mo. 350)	2761, 2771, 2791	— v. Severance (55 Mo. 378)	446, 2385, 2407, 2423, 2483
— v. Sargent (45 Conn. 358)	483, 501	— v. Seward County (36 Kan. 236; 13 Pac. 212)	865
— v. Sarradat (46 La. An. 700; 15 So. 87; 24 L. R. A. 584)	1073	— v. Shanks ([S. Dak.], 125 N. W. Rep. 122)	2732
		— v. Shannon (133 Mo. 139; 33 S. W. 1137)	680
		— v. Shardlow (43 Minn. 524; 46 N. W. 74)	1617
		— v. Sharp (125 N. Car. 628;	

## TABLE OF CASES CITED

[References are to pages]

- 34 S. E. 264; 74 Am. St. Rep. 663) 2459, 2460  
 State v. Shawnee County (57 Kan. 267; 45 Pac. 616) 132, 1205  
 — v. Shearer (46 Ohio St. 275; 20 N. E. 335) 264, 265, 329  
 — v. Sheboygan (111 Wis. 23; 86 N. W. 657) 1923, 1927, 2061, 2062, 2065  
 — v. Sheets (26 Utah, 105; 72 Pac. 334) 667  
 — v. Shelby County Com'rs (36 Ohio St. 326) 1223  
 — v. Shelby County Taxing Dist. (16 Lea [Tenn.] 240) 598  
 — v. Shelbyville (4 Sneed [Tenn.] 176) 773, 1049, 2803  
 — v. Sheldon (10 Neb. 452; 6 N. W. 757) 763  
 — v. Sheppard (64 Minn. 287; 67 N. W. 62; 36 L. R. A. 305) 1853  
 — v. Sheppard (192 Mo. 497; 91 S. W. 477) 799  
 — v. Sheriff of Ramsey County (48 Minn. 236; 51 N. W. 112; 31 Am. St. Rep. 650) 277, 1053  
 — v. Sherman (20 Mo. 265) 1012  
 — v. Sherrard (117 N. Car. 716; 23 S. E. 157) 1109  
 — v. Sherwood (42 Mo. 179) 748  
 — v. Shields (8 Blackf. [Ind.] 151) 773  
 — v. Shufford (77 Kan. 263; 94 Pac. 137) 2740  
 — v. Shumate (72 Ohio St. 487; 74 N. E. 588) 2376  
 — v. Simmons (40 La. An. 758; 5 So. 29) 882  
 — v. Simon (20 Oreg. 365; 26 Pac. 170) 722  
 — v. Simons (32 Minn. 540; 21 N. W. 750) 109, 616  
 — v. Simpson (91 Me. 83; 39 Atl. 287) 440, 441  
 — v. Sims (16 S. Car. 486) 675, 1095  
 — v. Sioux City, O. & W. R. Co. (46 Neb. 682; 65 N. W. 766; 31 L. R. A. 47) 148  
 — v. Skirving (19 Neb. 497; 27 N. W. 723) 643  
 — v. Slick (86 Ind. 501) 821  
 — v. Slover (113 Mo. 202; 20 S. W. 788) 800, 822  
 — v. Slover (126 Mo. 652; 29 S. W. 718) 117  
 — v. Sly (4 Oreg. 277) 972  
 — v. Small (131 Mo. App. 470; 109 S. W. 1079) 2736, 2737  
 — v. Smith (123 Iowa, 654; 96 N. W. 899) 1866  
 — v. Smith (104 La. 370; 29 So. 40) 2647  
 State v. Smith (22 Minn. 218) 864, 865, 866, 867, 869, 870, 2665  
 — v. Smith (152 Mo. 512; 54 S. W. 221; 47 L. R. A. 560) 722  
 — v. Smith (23 Mont. 44; 57 Pac. 449) 2659  
 — v. Smith (35 Neb. 13; 52 N. W. 700; 16 L. R. A. 791) 792  
 — v. Smith (49 Neb. 755; 69 N. W. 114) 2668  
 — v. Smith (44 Ohio St. 348; 12 N. E. 829) 160, 184, 842, 843, 844  
 — v. Smith (48 Ohio St. 211; 26 N. E. 1069) 242, 251, 280, 285, 311  
 — v. Smith (16 Lea [Tenn.] 662) 1577  
 — v. Smith (4 Wash. 661; 30 Pac. 1064) 432  
 — v. Smith (14 Wis. 497) 640  
 — v. Snodgrass (1 Wash. 305; 25 Pac. 1014) 431, 655  
 — v. Snyder (139 Mo. 549; 41 S. W. 216) 2479  
 — v. Society for Useful Manufactures (44 N. J. L. 502) 1696  
 — v. Sohn (97 Ind. 101) 793  
 — v. Sommerville (111 La. 1015; 36 So. 104) 2650  
 — v. Sopher (25 Utah, 318; 71 Pac. 482; 60 L. R. A. 468; 95 Am. St. Rep. 845) 1096  
 — v. South Milwaukee Bd. of Education (100 Wis. 455; 76 N. W. 351) 2669  
 — v. Southern R. Co. (115 Ala. 250; 22 So. 589) 2397  
 — v. Southern Steamship Co. (13 La. An. 497) 2481  
 — v. Spaude (37 Minn. 322; 34 N. W. 164) 110, 125, 257, 258  
 — v. Speed (183 Mo. 186; 81 S. W. 1260) 275  
 — v. Spellmire (67 Ohio St. 77; 65 N. E. 619) 262, 264, 265, 329  
 — v. Spencer (53 Kan. 655; 37 Pac. 174) 1661  
 — v. Speyer (67 Vt. 502; 32 Atl. 476; 29 L. R. A. 573; 48 Am. St. Rep. 832) 1050, 1051  
 — v. Spiedel (62 Ohio St. 156; 56 N. E. 871) 722  
 — v. Spinney (166 Ind. 282; 76 N. E. 971) 2651, 2706  
 — v. Spokane County Superior Court (38 Wash. 23; 80 Pac. 195) 2799  
 — v. Spokane Street R. Co. (19 Wash. 518; 53 Pac. 719; 41 L. R. A. 515; 67 Am. St. Rep. 739) 1697, 1698, 1948  
 — v. Sponaugle (45 W. Va. 415; 32 S. E. 283; 43 L. R. A. 727) 2359

# TABLE OF CASES CITED

429

[References are to pages]

State v. Springer (134 Mo. 212; 35 S. W. 589)	2366	State v. Sullivan (62 Minn. 283; 64 N. W. 813)	319
— v. Springfield Township (6 Ind. 83)	236	— v. Sullivan (72 Minn. 126; 75 N. W. 8)	324
— v. Squires (26 Iowa, 340)	232, 233, 334	— v. Sullivan (58 Ohio St. 504; 51 N. E. 48; 65 Am. St. Rep. 504)	792
— v. Standard Oil Co. (194 Mo. 124; 91 S. W. 1062)	2353	— v. Sullivan County Ct. (51 Mo. 531)	1517
— v. Standard Oil Co. (120 Tenn. 86; 110 S. W. 565)	2728	— v. Sumter County Com'rs (19 Fla. 518)	654
— v. Stanley (14 Ind. 409)	1631	— v. Superior (81 Wis. 649; 51 N. W. 1014) <sup>1</sup>	1661, 1662
— v. Stark (18 Fla. 255)	133, 294	— v. Superior (90 Wis. 612; 64 N. W. 304)	783, 784, 810, 814
— v. Stark County (14 N. Dak. 368; 103 N. W. 913)	326	— v. Sutterfield (54 Mo. 391)	657, 658
— v. State Auditor (34 Mo. 375)	2653	— v. Sutton (74 Vt. 12; 52 Atl. 116)	1146
— v. State Bd. of Canv. (13 Fla. 55)	651, 2715	— v. Swagerty (203 Mo. 517; 102 S. W. 483; 10 L. R. A. n. s. 601; 120 Am. St. Rep. 671)	1086, 1087
— v. State Canvassers (3 Kan. 88)	2712	— v. Swann (46 W. Va. 128; 33 S. E. 89)	2359
— v. Stearns (72 Minn. 200; 75 N. W. 210)	660	— v. Swaringen (12 Ga. 23)	460, 636, 640, 641
— v. Stearns (31 N. H. 106)	978, 1121	— v. Swift (69 Ind. 505)	660
— v. Steele (106 Wis. 475; 82 N. W. 295)	825	— v. Swift (1 Hill [S. Car.] 360)	1655, 2793, 2797
— v. Stephens (146 Mo. 662; 48 S. W. 929; 69 Am. St. Rep. 625)	2347	— v. Swindell (146 Ind. 527; 45 N. E. 700; 58 Am. St. Rep. 375)	892, 893, 900
— v. Stephens (4 Tex. 137)	2315	— v. Swisher (17 Tex. 441)	2401
— v. Stevens (21 Kan. 210)	126	— v. Switzler (143 Mo. 287; 45 S. W. 245; 40 L. R. A. 280; 65 Am. St. Rep. 653)	2314, 2385
— v. Stevens (23 Kan. 456; 33 Am. Rep. 175)	1015	— v. Taft (118 N. Car. 1190; 23 S. E. 970; 32 L. R. A. 122; 54 Am. St. Rep. 768)	1009, 1031
— v. Stevens (36 N. H. 59)	1767	— v. Tallman (29 Wash. 317; 69 Pac. 1101)	2652
— v. Stewart (49 Fla. 259; 38 So. 600)	1318	— v. Tampa Waterworks Co. (56 Fla. 858; 47 So. 358; 19 L. R. A. n. s. 183)	2130, 2153, 2245
— v. Stewart (5 Strob. L. [S. Car.] 29)	1655, 2793, 2797	— v. Tanner (45 Wash. 348; 88 Pac. 321)	1296
— v. Stewart (74 Wis. 620; 43 N. W. 947; 6 L. R. A. 394)	133	— v. Tappan (29 Wis. 664; 9 Am. Rep. 622)	199, 221, 568, 2312
— v. Stobie (194 Mo. 14; 92 S. W. 191)	118, 176	— v. Taylor (59 Md. 338)	2485
— v. Stone (40 Iowa, 547)	678	— v. Taylor (68 N. J. L. 276; 53 Atl. 392)	315
— v. Stone (96 Minn. 482; 105 N. W. 187)	986, 1099, 1100	— v. Taylor (50 Ohio St. 120; 38 N. E. 24)	2741
— v. Stoner (39 Ind. App. 104; 79 N. E. 399)	1866	— v. Taylor (107 Tenn. 455; 64 S. W. 766)	1583, 1699, 1721, 1836, 1841, 1843
— v. Stonestreet (99 Mo. 361; 12 S. W. 895)	719	— v. Taylor (36 Wash. 607; 79 Pac. 286)	2161
— v. Stout (7 Neb. 89)	2813	— v. Teasdale (21 Fla. 652)	2671
— v. Stout (43 Wash. 501; 86 Pac. 848)	1319, 1321	— v. Telfair (130 N. Car. 645; 40 S. E. 976)	2460
— v. Stratton (136 Mo. 423; 38 S. W. 83)	259		
— v. Street (117 Ala. 203; 23 So. 807)	1831		
— v. Stuht (52 Neb. 209; 71 N. W. 941)	259, 310		
— v. Stull ([Neb.], 96 N. W. Rep. 121)	2656		
— v. Suffield & T. Bridge Co. (81 Conn. 56; 70 Atl. 55)	1800, 1807		



## TABLE OF CASES CITED

[References are to pages]

- State *v.* Tenant (110 N. Car. 609; 14 S. E. 387; 15 L. R. A. 423; 28 Am. St. Rep. 715) 935
- *v.* Terrebonne Parish Police Jury (30 La. An. 287) 1396
- *v.* Thibodeaux (69 Miss. 92; 10 So. 58) 2383
- *v.* Thief River Falls (76 Minn. 15; 8 N. W. 867) 125, 232, 297
- *v.* Thief River Falls (102 Minn. 425; 113 N. W. 1057) 1971
- *v.* Thomas (138 Mo. 95; 39 S. W. 481) 257, 278
- *v.* Thomas (183 Mo. 220; 82 S. W. 106) 2661
- *v.* Thomas (25 Mont. 226; 64 Pac. 503) 324
- *v.* Thomaston & Rockland (74 Me. 198) 617
- *v.* Thompson (142 Ala. 98; 38 So. 679) 257, 261
- *v.* Thompson (36 Mo. 70) 2669
- *v.* Thompson (20 N. J. Law, 689) 725
- *v.* Thompson (34 Ohio St. 360) 2742
- *v.* Thurston (28 R. I. 265; 66 Atl. 580) 1086, 1087
- *v.* Thurston County Super. Ct. (42 Wash. 660; 85 Pac. 666) 2126
- *v.* Tiedeman (69 Mo. 306; 33 Am. Rep. 498) 1587
- *v.* Tipton (109 Ind. 73; 9 N. E. 704) 98
- *v.* Tolan (33 N. J. L. 195) 2665, 2728, 2733, 2741, 2742
- *v.* Toledo (48 Ohio St. 112; 26 N. E. 1061; 11 L. R. A. 729) 250, 280, 285, 321, 2117, 2120
- *v.* Tolle (71 Mo. 645) 117, 257, 272, 280, 284
- *v.* Tolly (37 S. Car. 551; 16 S. E. 195) 404
- *v.* Tomahawk (96 Wis. 73; 71 N. W. 86) 347, 397, 403, 405, 569, 1512
- *v.* Tonella (70 Miss. 701; 14 So. 17) 2383
- *v.* Toole (26 Mont. 22; 66 Pac. 496; 55 L. R. A. 644; 91 Am. St. Rep. 386) 212
- *v.* Toole (32 Mont. 4; 79 Pac. 403) 2650
- *v.* Toomer (7 Rich. [S. Car.] Law, 216) 680
- *v.* Topeka (30 Kan. 653; 2 Pac. 587) 1012
- *v.* Topeka (36 Kan. 76; 12 Pac. 310; 59 Am. Rep. 529) 567, 968, 972, 1100, 1101, 1102, 1125, 1128, 2378, 2460
- *v.* Topeka (68 Kan. 177; 74 Pac. 647) 455, 1381, 2115, 2193
- State *v.* Topeka Water Co. (61 Kan. 547; 60 Pac. 337) 2134
- *v.* Tosney (26 Minn. 262; 3 N. W. 345) 440
- *v.* Tower (185 Mo. 79; 84 S. W. 10; 68 L. R. A. 402) 280, 281, 1052, 1053
- *v.* Towns (8 Ga. 360) 2660
- *v.* Traders Bank (41 La. An. 329; 6 So. 582) 2380
- *v.* Trask (6 Vt. 355; 27 Am. Dec. 554) 1732, 1734, 1747
- *v.* Travelers' Ins. Co. (73 Conn. 255; 47 Atl. 299; 57 L. R. A. 481) 2353
- *v.* Trenton (36 N. J. L. 79) 1977
- *v.* Trenton (36 N. J. L. 283) 446, 1031
- *v.* Trenton (36 N. J. L. 499) 2609
- *v.* Trenton (42 N. J. L. 74) 461
- *v.* Trenton (53 N. J. L. 132; 20 Atl. 1076) 989
- *v.* Trenton ([N. J. Eq.], 63 Atl. 897) 1566
- *v.* Troth (34 N. J. L. 379) 66, 443
- *v.* Trumpf (50 Wis. 103; 5 N. W. 876; 6 N. W. 512) 639, 640
- *v.* Trustees (5 Ind. 77) 78
- *v.* Trustees of Firemen's Pension Fund (117 La. 1071; 42 So. 506) 759
- *v.* Trustees of Firemen's Pension Fund (18 Ohio Cir. Ct. 887) 760
- *v.* Trustees of Policemen's Pension Fund (121 Wis. 44; 98 N. W. 954) 728, 734, 755
- *v.* Trustees of Policemen's Pension Fund (123 Wis. 245; 101 N. W. 373) 758, 759, 760
- *v.* Tryon (39 Conn. 183) 902, 971
- *v.* Tucker (46 Ind. 355, 358) 334
- *v.* Tupper (Dudley L. [S. C.] 135) 2068
- *v.* Tuttle (53 Wis. 45; 9 N. W. 791) 174
- *v.* Twin Village Water Co. (98 Me. 214; 56 Atl. 763) 2176, 2177
- *v.* Tyler (14 Wash. 495; 45 Pac. 31; 37 L. R. A. 207; 53 Am. St. Rep. 878) 470
- *v.* Tyrrell (73 Conn. 407; 47 Atl. 686) 923
- *v.* Union (33 N. J. L. 350) 137, 984
- *v.* Union Tp. (37 N. J. L. 84) 2678
- *v.* Union Tp. (8 Ohio St. 394) 320, 1517, 1537
- *v.* United States Express Co. (95 Minn. 442; 104 N. W. 556) 2647, 2648, 2649
- *v.* United States Mut. Acci-



## TABLE OF CASES CITED

431

[References are to pages]

dent Assoc. (67 Wis. 624; 31 N. W. 229)	2353	State v. Walbridge (119 Mo. 383; 24 S. W. 457; 41 Am. St. Rep. 663)	783, 792, 902
State v. Unwin (75 N. J. L. 500; 68 Atl. 110; 73 N. J. L. 529; 64 Atl. 163)	1086, 1087	— v. Walbridge (153 Mo. 194; 54 S. W. 447)	747
— v. Upson (79 Conn. 154; 64 Atl. 2)	2659	— v. Walker (83 Minn. 295; 86 N. W. 104)	274, 325
— v. Uridil (37 Neb. 371; 55 N. W. 1072)	2735	— v. Walker (85 Mo. 41)	658
— v. Vail (53 Iowa, 550; 7 N. W. 709)	870	— v. Walker (193 Mo. 693; 92 S. W. 69)	1496
— v. Vail (53 Mo. 97)	640	— v. Walker (68 Mo. App. 110)	792, 799, 809, 810
— v. Valle (41 Mo. 29)	175	— v. Walker (85 Mo. App. 247)	2656
— v. Van Beek (87 Iowa, 569; 54 N. W. 525; 19 L. R. A. 622)	639	— v. Wall (47 Ohio St. 499; 24 N. E. 897)	250, 251, 280, 321
— v. Van Brocklin (8 Wash. 557; 36 Pac. 495)	816, 2729	— v. Walsh (136 Mo. 400; 37 S. W. 1112; 35 L. R. A. 231)	257, 278
— v. Van Buskirk (40 N. J. L. 463)	679, 914	— v. Walsh (7 Mo. App. 142)	640
— v. Van Camp (36 Neb. 91; 54 N. W. 113)	644, 659	— v. Walton (69 Mo. 556)	272
— v. Vandalia (119 Mo. App. 406; 94 S. W. 1009)	1784, 1868, 1899, 2761	— v. Wapello County (13 Iowa, 388)	347, 570, 2313
— v. Van Every (75 Mo. 530)	2398	— v. Wardell (153 Mo. 319; 54 S. W. 574)	2385, 2427
— v. Van Horne (7 Ohio St. 331)	1360, 1537	— v. Ware (13 Oreg. 380; 10 Pac. 885)	2708, 2709
— v. Van Huse (120 Wis. 15; 97 N. W. 503)	329	— v. Warmoth (22 La. An. 1; 2 Am. Rep. 712)	2660
— v. Vanosdal (131 Ind. 388; 31 N. E. 79; 15 L. R. A. 832)	851, 854, 867	— v. Warren F. & M. Co. (32 N. J. L. 439)	2650
— v. Van Winkle (25 N. J. L. 73)	888	— v. Washmood (58 Ark. 609; 26 S. W. 11)	2468
— v. Vasaly (98 Minn. 46; 107 N. W. 818)	674	— v. Watertown (9 Wis. 254)	798, 808, 2672
— v. Vermont Cent. R. Co. (27 Vt. 103)	2801	— v. Wayne County (157 Ind. 356; 61 N. E. 715)	2651
— v. Verner (30 S. Car. 277; 9 S. E. 113)	759	— v. Wayne County (108 Tenn. 259; 67 S. W. 72)	2661
— v. Vic De Bar (58 Mo. 396)	966	— v. Weatherly (45 Mo. 17)	108, 616, 2736
— v. Vickers (186 Mo. 103; 84 S. W. 908)	2386	— v. Webber (107 N. Car. 962; 12 S. E. 598; 22 Am. St. Rep. 920)	449, 1041
— v. Vicksburg Bank (69 Miss. 99; 10 So. 102)	2383	— v. Weber (20 Neb. 467; 30 N. W. 531)	2845
— v. Vincennes University (5 Ind. 77)	587, 593, 597, 783, 787, 808	— v. Webster (20 Mont. 219; 50 Pac. 558)	1271
— v. Vogelsang (183 Mo. 17; 81 S. W. 1087)	2441	— v. Welch (36 Conn. 215)	926, 944, 1015, 1018
— v. Von Sachs (45 La. An. 1416; 14 So. 249)	923	— v. Wellman (34 Minn. 221; 25 N. W. 395)	2222
— v. Wabash Paper Co. (21 Ind. App. 167; 48 N. E. 653; 51 N. E. 949)	440	— v. Wells (46 Iowa, 662)	909, 1125
— v. Wabash R. Co. (206 Mo. 251; 103 S. W. 1137)	1942, 1983	— v. Wells (15 Cal. 336)	1546
— v. Wahoo (62 Neb. 40; 86 N. W. 923)	2681	— v. Welpton (34 Iowa, 144)	1709
— v. Wainwright (60 Ark. 280; 29 S. W. 981)	2460	— v. West (42 Minn. 147; 43 N. W. 845)	978
— v. Wakely (2 Nott & McC. [S. Car.] 410)	1655, 1657, 2799, 2800	— v. West Branch Lumber Co. (64 W. Va. 673; 63 S. E. 372)	2359
		— v. West Duluth Land Co. (75 Minn. 456; 78 N. W. 115)	1400
		— v. West Hoboken (37 N. J. L. 177)	1644

[References are to pages]

- State *v.* Weston (69 Neb. 695; 96 N. W. 668) 1360  
 — *v.* Weston ([Neb.], 99 N. W. Rep. 520) 2656  
 — *v.* Westover ([Neb.], 89 N. W. Rep. 1002) 2652  
 — *v.* Weyerhauser (68 Minn. 353; 71 N. W. 265) 2363, 2369  
 — *v.* Whatcom County Superior Ct. (42 Wash. 521; 85 Pac. 256) 355, 369, 379  
 — *v.* Wheeler (33 Neb. 563; 50 N. W. 770) 750  
 — *v.* Wheelock (95 Iowa, 577; 64 N. W. 620; 30 L. R. A. 429; 58 Am. St. Rep. 442) 2323  
 — *v.* Whipple (60 Neb. 650; 83 N. W. 921) 2722  
 — *v.* White (162 Mo. 533; 63 S. W. 104) 658  
 — *v.* White (20 Neb. 37; 28 N. W. 846) 444  
 — *v.* White (66 Wis. 343; 28 N. W. 202) 1310  
 — *v.* White Pine County (22 Nev. 80; 35 Pac. 485) 2763, 2768  
 — *v.* White River Power Co. (39 Wash. 648; 82 Pac. 150; 2 L. R. A. n. s. 842) 2126  
 — *v.* Whitesides (30 S. Car. 579; 9 S. E. 661; 3 L. R. A. 777) 569, 576  
 — *v.* Whitney (41 Neb. 613; 59 N. W. 884) 121  
 — *v.* Whittingham (7 Vt. 390) 2803  
 — *v.* Wichita County (62 Kans. 494; 64 Pac. 45) 395, 1464, 1503  
 — *v.* Wilcox (42 Conn. 364; 19 Am. Rep. 536) 128  
 — *v.* Wilcox (45 Mo. 458) 108, 127, 616  
 — *v.* Wilder (197 Mo. 1; 94 S. W. 495) 353, 436  
 — *v.* Wilder (200 Mo. 97; 98 S. W. 465) 430, 432, 436, 1382  
 — *v.* Wilder (211 Mo. 305; 109 S. W. 574) 2707  
 — *v.* Wilder (217 Mo. 261; 116 S. W. 1087) 2613  
 — *v.* Wilkesville (20 Ohio St. 288) 875  
 — *v.* Wilkinson (2 Vt. 480; 21 Am. Dec. 560) 1707, 1713, 1747, 1784  
 — *v.* Willard (39 Mo. App. 251) 966  
 — *v.* Williams (68 Conn. 131; 35 Atl. 24, 421) 156  
 — *v.* Williams (46 La. An. 922; 15 So. 290) 2354  
 — *v.* Williams (25 Me. 555) 878  
 — *v.* Williams (25 Me. 564) 830  
 — *v.* Williams (99 Mo. 291; 12 S. W. 905) 638, 639  
 State *v.* Williams (11 S. Car. 288) 972, 1041, 1095  
 — *v.* Williams (6 S. Dak. 119; 60 N. W. 410) 754  
 — *v.* Williams (110 Tenn. 549; 75 S. W. 948; 64 L. R. A. 418) 2719  
 — *v.* Willis ([N. Dak.], 124 N. W. Rep. 706) 2707, 2708  
 — *v.* Wilmington (3 Harring. [Del.] 294) 651, 667, 669, 845, 1119, 2657  
 — *v.* Wilson (123 Ala. 259; 26 So. 482; 45 L. R. A. 772) 2649, 2709  
 — *v.* Wilson (142 Ind. 102; 41 N. E. 361) 734  
 — *v.* Wilson (65 Kan. 237; 69 Pac. 172) 209  
 — *v.* Wilson (42 Me. 9) 485, 1710, 1724, 1727, 1757  
 — *v.* Wilson (216 Mo. 215; 115 S. W. 549) 2736  
 — *v.* Wilson (12 Lea [Tenn.] 246) 105, 242, 446, 717  
 — *v.* Wilson (17 Wis. 687) 2679  
 — *v.* Wilson (121 Wis. 523; 99 N. W. 336) 2657  
 — *v.* Wilts (11 La. An. 439) 731  
 — *v.* Wimpfheimer (69 N. H. 166; 38 Atl. 786) 668  
 — *v.* Winch (45 Ohio St. 663; 18 N. E. 380) 264  
 — *v.* Winkelmeier (35 Mo. 103) 128, 658  
 — *v.* Winter (148 Ind. 177; 47 N. E. 462) 635  
 — *v.* Winter (15 Wash. 407; 46 Pac. 644) 224, 232  
 — *v.* Wister (62 Mo. 592) 966, 970  
 — *v.* Withnell (78 Neb. 33; 110 N. W. 680) 935, 1061  
 — *v.* Wofford (121 Mo. 61; 25 S. W. 851) 118, 287, 288  
 — *v.* Wofford (90 Tex. 514; 39 S. W. 921) 613, 614  
 — *v.* Womble (112 N. Car. 862; 17 S. E. 491; 19 L. R. A. 827) 2461  
 — *v.* Wood (51 Ark. 205; 10 S. W. 624) 764  
 — *v.* Wood (155 Mo. 425; 56 S. W. 474; 48 L. R. A. 596) 990  
 — *v.* Wood County (17 Ohio, 184) 2648  
 — *v.* Wood County (72 Wis. 629; 40 N. W. 381) 1831  
 — *v.* Woodruff (37 N. J. L. 139) 2444  
 — *v.* Woodruff Sleeping & P. Car Co. (114 Ind. 155; 15 N. E. 814) 2346  
 — *v.* Woodward (23 Vt. 92) 1563, 1569, 1582, 1704, 1705, 1707, 1752, 1785  
 — *v.* Woody (17 Ga. 612) 2754

## TABLE OF CASES CITED

433

[References are to pages]

State <i>v.</i> Worth (95 N. Car. 615)	955	State Board of Assessors <i>v.</i> Comptoir National d'Escompte (191 U. S. 388)	2415, 2416
— <i>v.</i> Worth (116 N. Car. 1007; 21 S. E. 204)	2471	State Board of Education <i>v.</i> Aberdeen (56 Miss. 518)	1188
— <i>v.</i> Wright (56 Ohio St. 540; 47 N. E. 569)	722	State Board of Equalization <i>v.</i> People (191 Ill. 528; 61 N. E. 339; 58 L. R. A. 513)	2710
— <i>v.</i> Wright (14 Oreg. 365; 12 Pac. 708)	136	State Board of Health <i>v.</i> Diamond Mills Paper Co. (63 N. J. Eq. 111; 51 Atl. 1019; 64 N. J. Eq. 793; 53 Atl. 1125)	131
— <i>v.</i> Wrotnowski (17 La. An. 156)	2660	State Center <i>v.</i> Barenstein (66 Iowa, 249; 23 N. W. 652)	925
— <i>v.</i> Wyoming County Ct. (47 W. Va. 672; 35 S. E. 959)	2647, 2708	State Freight Tax Case (15 Wall. [U. S.] 232)	2337, 2338
— <i>v.</i> Yancy (123 Mo. 391; 27 S. W. 380)	257, 316	State Hist. Assoc. <i>v.</i> Lincoln (14 Neb. 336; 15 N. W. 717)	1723, 1746
— <i>v.</i> Yates (19 Mont. 239; 47 Pac. 1004; 37 L. R. A. 205)	654, 836, 838, 854	State Line Tel. Co. <i>v.</i> Ellison (121 N. Y. App. Div. 499; 106 N. Y. Supp. 130)	1916, 1923
— <i>v.</i> Yates (66 Ohio St. 546; 64 N. E. 570)	265, 324	State Prison <i>v.</i> Day (124 N. Car. 362; 32 S. E. 748; 46 L. R. A. 295)	730
— <i>v.</i> Yoder (129 N. Car. 544; 40 S. E. 3)	2460	State Railroad Tax Cases (92 U. S. 575)	2281, 2366, 2765, 2787, 2788, 2790, 2791
— <i>v.</i> Yopp (97 N. Car. 477; 2 S. E. 458; 2 Am. St. Rep. 305)	1852	State Sav. Bank <i>v.</i> Davis (22 Wash. 406; 61 Pac. 43)	2651
— <i>v.</i> York County (8 Neb. 92)	2711	State Tax on Foreign-held Bonds, <i>Re</i> (15 Wall. [U. S.] 300)	2409, 2412, 2438, 2439
— <i>v.</i> York County (13 Neb. 57; 12 N. W. 816)	1219	State Tax on Railway Gross Receipts, <i>Re</i> (15 Wall. [U. S.] 284)	2332, 2338
— <i>v.</i> Young (3 Kan. 445)	91, 1118, 1133	State Treas. <i>v.</i> Somerville & E. R. Co. (28 N. J. L. 21)	2424
— <i>v.</i> Young (17 Kan. 414)	448, 1013, 1015	State Trust Co. <i>v.</i> Duluth (104 Fed. Rep. 632)	2293
— <i>v.</i> Young (29 Minn. 474; 9 N. W. 737)	148	— <i>v.</i> Duluth (70 Minn. 257; 73 N. W. 249)	2144, 2236, 2237, 2296
— <i>v.</i> Young (6 S. Dak. 406; 61 N. W. 165)	2664	State Warrants, <i>In re</i> (6 S. Dak. 518; 62 N. W. 101; 55 Am. St. Rep. 582)	357, 380
— <i>v.</i> Young (18 Wash. 21; 50 Pac. 786)	1291	State Water Supply Commission <i>v.</i> Curtis (192 N. Y. 319; 85 N. E. 148, aff'g 125 N. Y. App. Div. 117; 109 N. Y. Supp. 494)	2106
— <i>v.</i> Zanesville & M. Turnp. Co. (16 Ohio St. 308)	2709	Staten Island R. T., <i>In re</i> (103 N. Y. 251; 8 N. E. 548)	487
— <i>v.</i> Zeigler (32 N. J. L. 262)	955, 975, 1119, 2793	Station <i>v.</i> Atlantic C. L. R. Co. (147 N. Car. 428; 61 S. E. 455; 17 L. R. A. n. s. 949)	2013, 2015
— <i>v.</i> Ziegenhein (144 Mo. 283; 45 S. W. 1099)	753	Staude <i>v.</i> San Francisco Election Com'rs (61 Cal. 313)	148
— <i>v.</i> Zophy (14 S. Dak. 119; 84 N. W. 391; 86 Am. St. Rep. 741)	2326	Stauffer <i>v.</i> East Stroudsburg (215 Pa. 143; 64 Atl. 411)	2121
State Bank <i>v.</i> Knoop (16 How. [U. S.] 369)	143	Stealey <i>v.</i> Kansas City (179 Mo. 400; 78 S. W. 599)	1731, 2868
— <i>v.</i> Navigation Co. (3 La. An. 294)	147	Steamboat Magnolia <i>v.</i> Marshall (39 Miss. 109)	493
State Bank of Indiana <i>v.</i> Brackenridge (7 Blackf. [Ind.] 395)	1559, 2422		
— <i>v.</i> Madison (3 Ind. 43)	2422, 2458		
State Bank of S. Car. <i>v.</i> Charleston (3 Rich. Law [S. Car.] 342)	2423		
State Board <i>v.</i> Aberdeen (56 Miss. 518)	1184		
State Board of Agriculture <i>v.</i> Citizens' St. R. Co. (47 Ind. 407; 17 Am. Rep. 702)	1182, 1186		
State Board of Assessors <i>v.</i> Central R. Co. (48 N. J. L. 146; 4 Atl. 578)	259		

## TABLE OF CASES CITED

**[References are to pages]**

- |   |   |
|---|---|
| Steamboat Rock School District<br>v. Stone (106 U. S. 183) 1427, 1470,<br>1471                      | Steers v. Brooklyn (101 N. Y. 51;<br>4 N. E. 7) 475, 490, 1701,<br>1702   |
| Steamship Co. v. Joliff (2 Wall.<br>[U. S.] 450) 475  | Steffen v. Fox (124 Mo. 630; 28<br>S. W. 70) 2632   |
| — v. Port Wardens (6 Wall.<br>[U. S.] 31) 476   | — v. St. Louis (135 Mo. 44; 36<br>S. W. 31) 1252  |
| Stearns v. Sims ([Okla.], 104 Pac.<br>44) 2707  | Steffy v. Monroe City (135 Ind.<br>466; 35 N. E. 121; 41 Am. St.<br>Rep. 436) 1017, 1019  |
| — v. State (23 Okla. 462; 100<br>Pac. 909) 2665   | Steg v. Milwaukee (110 Wis. 484;<br>86 N. W. 161) 2961, 3029  |
| — v. Tew (6 N. Y. Misc. 404;<br>27 N. Y. Supp. 26) 2777, 2780                                       | Stegenga, <i>In re</i> (133 Mich. 55;<br>94 N. W. 385) 1100   |
| Stearns County v. St. Cloud, M.<br>& A. R. Co. (36 Minn. 425;<br>32 N. W. 91) 1043                  | Stegmaier v. Jones (203 Pa. 47;<br>52 Atl. 56) 260, 2708  |
| Stebbins v. Grand Rapids Superior<br>Court (108 Mich. 693; 66 N.<br>W. 594) 660                     | Stehmeyer v. Charleston (53 S.<br>Car. 259; 31 S. E. 322) 2496  |
| — v. Jennings (10 Pick. [Mass.]<br>172) 120, 121  | Stehr v. Mason City & F. D. R.<br>Co. (77 Neb. 641; 110 N. W.<br>701; 124 Am. St. Rep. 872) 1611,<br>2015                             |
| — v. Kay (123 N. Y. 31; 25<br>N. E. 207) 2317, 2399, 2454   | Stein v. Ashby (30 Ala. 363) 1910   |
| — v. Keene Tp. (55 Mich. 552;<br>22 N. W. 37) 1833  | — v. Bienville Water Supply<br>Co. (141 U. S. 67) 1971, 2160  |
| — v. Keene Tp. (60 Mich. 214;<br>26 N. W. 885) 1833   | — v. Bienville Water Supply<br>Co. (34 Fed. Rep. 145) 1916,<br>1921, 2060   |
| — v. Mayer (38 Kan. 573; 16<br>Pac. 745) 908, 1102, 1128  | — v. Burden (24 Ala. 130; 60<br>Am. Dec. 453; s. c. 27 Ala. 104;<br>29 Ala. 127; 65 Am. Dec. 394) 562,<br>1910                        |
| — v. Merritt (10 Cush. [Mass.]<br>27) 630, 876  | — v. Lafayette (6 Ind. App.<br>414; 33 N. E. 912) 3039  |
| — v. Perry County (167 Ill.<br>567; 47 N. E. 1048) 1531   | — v. McGrath (128 Ala. 175;<br>30 So. 792) 2200   |
| Steck v. Allegheny (213 Pa. 573;<br>62 Atl. 1115) 3002  | — v. Mobile (17 Ala. 234) 2420  |
| Steckert v. East Saginaw (22 Mich.<br>104) 873, 874, 875, 880, 914, 1810,<br>2451, 2453, 2606, 2790 | — v. Mobile (24 Ala. 591) 569, 570,<br>2396, 2420   |
| Stedman v. Berlin (97 Wis. 505;<br>73 N. W. 57) 362, 376, 405, 2177                                 | — v. Mobile (49 Ala. 362; 20<br>Am. Rep. 283) 2420, 2476  |
| — v. Rome (34 N. Y. Supp. 737;<br>88 Hun [N. Y.] 279) 3016  | — v. Morrison (9 Idaho, 426;<br>75 Pac. 246) 2799   |
| — v. San Francisco (63 Cal.<br>193) 2885  | Steinauer v. Tell City (146 Ind.<br>490; 45 N. E. 1056) 1705, 1724,<br>1740, 1743   |
| Steel v. Boston (128 Mass. 583) 2891,<br>2904   | Steinbach v. Galveston ([Tex. Civ.<br>App.], 41 S. W. 822) 800  |
| — v. Davis County (2 G.<br>Greene [Iowa] 469) 1291  | Steiner v. Liggett (67 Kan. 822; 72<br>Pac. 577) 2464   |
| — v. Huntington (191 Pa. 627;<br>43 Atl. 398) 1728, 1738  | Steines v. Franklin County (48 Mo.<br>167; 8 Am. Rep. 87) 466, 1360, 1405,<br>1419, 1524, 1544, 2771, 2840                            |
| — v. Portland (23 Oreg. 176;<br>31 Pac. 479) 1716, 1717, 1747, 1748                                 | Steinmeyer v. St. Louis (3 Mo.<br>App. 256) 3050  |
| Steele v. Burkhardt (104 Mass.<br>59; 6 Am. Rep. 191) 3004  | Steinmuller v. Kansas City (3 Kan.<br>App. 45; 44 Pac. 600) 2596  |
| — v. Empsom (142 Ind. 397;<br>41 N. E. 822) 1613  | Steinson v. Board of Education<br>(165 N. Y. 431; 59 N. E. 300,<br>aff'g 49 N. Y. App. Div. 143;<br>63 N. Y. Supp. 128) 737, 744, 746 |
| — v. Martin (6 Kan. 430) 646, 2730  | Steltz v. Wausau (88 Wis. 618; 60<br>N. W. 1054) 2815, 2816, 2818   |
| — v. Newton (41 Kan. 512; 21<br>Pac. 644) 616   |   |
| — v. Sanchez (72 Iowa, 65; 33<br>N. W. 366) 484   |   |
| — v. Sullivan (70 Ala. 589) 1695,<br>1708, 1711, 1715   |   |

## TABLE OF CASES CITED

435

[References are to pages]

- Stembel v. Bell* (161 Ind. 323; 68 N. E. 589) 125  
*Stemmler v. New York* (179 N. Y. 473; 72 N. E. 581, aff'g 87 N. Y. App. Div. 631; 84 N. Y. Supp. 1147) 228, 746, 748  
 — *v. New York* (34 N. Y. App. 408; 54 N. Y. Supp 288) 2813  
*Stenberg v. State* (50 Neb. 127; 69 N. W. 849) 659  
*Stengel v. Preston* (89 Ky. 616; 13 S. W. 839) 2527  
*Stenson v. Mt. Vernon* (104 N. Y. App. Div. 17; 93 N. Y. Supp. 309) 1822, 1823  
*Stephan v. Daniels* (27 Ohio St. 527) 2608, 2829  
*Stephani v. Brown* (40 Ill. 428) 3031  
*Stephens v. Macon* (83 Mo. 345) 1862, 1864, 3012, 3016  
 — *v. Murray* (132 Mo. 468; 34 S. W. 56) 1562  
 — *v. New York, O. & W. R. Co.* (175 N. Y. 72; 67 N. E. 119, rev'g 61 N. Y. App. Div. 612; 70 N. Y. Supp. 1149) 1966  
 — *v. People* (89 Ill. 337) 634  
 — *v. Spokane* (11 Wash. 41; 39 Pac. 266) 1294  
 — *v. Spokane* (14 Wash. 298; 44 Pac. 541; 45 Pac. 31) 1253, 1306, 1307  
 — *v. Taylor* (51 Ohio St. 593) 1846  
*Stephenson v. Chattanooga* (20 Fed. Rep. 586) 1699, 1715  
 — *v. Missouri Pac. R. Co.* (68 Mo. App. 642) 2021  
 — *v. Monmouth Min. & Mfg. Co.* (84 Fed. Rep. 114) 775, 1267  
 — *v. Salem* (14 Ind. App. 386; 42 N. E. 44) 2607  
*Stephenson County v. Manny* (56 Ill. 160) 2826, 2827, 2832  
*Stephenville v. Bower* (29 Tex. Civ. App. 384; 68 S. W. 833) 2869, 2900  
*Sterling v. Camden* (65 N. J. L. 190; 46 Atl. 781) 961, 987  
 — *v. Detroit* (134 Mich. 22; 95 N. W. 986) 2963, 2965, 3013  
 — *v. Galt* (117 Ill. 11; 7 N. E. 471) 2545, 2546, 2547, 2548, 2549, 2550, 2576, 2586  
 — *v. Merrill* (124 Ill. 522) 3015  
 — *v. Schiffmacher* (47 Ill. App. 141) 3022  
 — *v. Thomas* (60 Ill. 264) 3031  
 — *v. West Feliciana Par.* (26 La. An. 59) 1340  
 — *v. Wolf* (163 Ill. 467; 45 N. E. 218, aff'g 61 Ill. App. 515) 1265  
*Sterling's Appeal* (111 Pa. 35; 2 Atl. 105; 56 Am. Rep. 246) 1913  
*Sterling's Case* (1 Sid. 340) 2714  
*Stermer v. La Plata County* (5 Colo. App. 379; 38 Pac. 839) 470  
*Stern v. Bensieck* (161 Mo. 146; 61 S. W. 594) 3001  
 — *v. People* (76 Ill. 475) 683  
 — *v. People* (102 Ill. 540, 550) 784  
*Sterrett v. Houston* (14 Tex. 153) 2903  
*Sterritt v. Young* (14 Wyo. 146; 82 Pac. 946; 116 Am. St. Rep. 994) 1649  
*Sterry v. New York Elev. R. Co.* (129 N. Y. 619; 29 N. E. 68) 2040, 2041  
*Stetler v. East Rutherford* (65 N. J. L. 528; 47 Atl. 489) 2601  
*Stetson v. Bangor* (60 Me. 313) 1806  
 — *v. Bangor* (73 Me. 357) 1806  
 — *v. Chicago & E. R. Co.* (75 Ill. 74) 1663, 1678, 2016, 2018, 2944, 2946  
 — *v. Faxon* (19 Pick. [Mass.] 147; 31 Am. Dec. 123) 512, 1787, 1788, 1789, 1790, 3037  
 — *v. Kempton* (13 Mass. 272; 7 Am. Dec. 145) 75, 76, 77, 451, 452, 553, 568, 1176, 1180, 2827  
*Steubenville v. Culp* (38 Ohio St. 18; 43 Am. Rep. 417) 746  
 — *v. King* (23 Ohio St. 610) 1731, 1799  
 — *v. McGill* (41 Ohio St. 235) 3034  
*Stevens v. Anthony* (82 Kan. 179; 107 Pac. 557) 2851  
 — *v. Boxford* (10 Allen [Mass.] 93) 2963  
 — *v. Buffalo & N. Y. C. R. Co.* (31 Barb. [N. Y.] 590) 2424  
 — *v. Cedar Rapids* (128 Iowa, 227; 103 N. W. 363) 2927  
 — *v. Chicago* (48 Ill. 498) 988  
 — *v. Eden M. H. Soc.* (12 Vt. 688) 831, 884  
 — *v. Muskegon* (111 Mich. 72; 69 N. W. 227; 36 L. R. A. 777) 1869, 2061, 2840  
 — *v. New York* (14 J. & S. 274, aff'd 84 N. Y. 286) 1164  
 — *v. New York Elev. R. Co.* (130 N. Y. 95; 28 N. E. 667) 2044  
 — *v. Paterson & N. R. Co.* (34 N. J. L. 532; 3 Am. Rep. 269) 481, 493, 495, 1702  
 — *v. Port Huron* (149 Mich. 536; 113 N. W. 291) 2584, 2602  
 — *v. Rutland & R. Co.* (29 Vt. 546) 2768  
 — *v. St. Mary's Training School* (144 Ill. 336; 32 N. E. 962; 36 Am. St. Rep. 438) 458, 916, 2763, 2768, 2770  
 — *v. Shannon* (6 Ohio Cir. Ct. 142) 1846



[References are to pages]

Stevens v. State (2 Ark. 291; 35 Am. Dec. 72)	1113	Stewart v. Stewart (6 Cl. & Fin. 911; 2 Smith's L. C. 403)	2828, 2834
— v. Truman (127 Cal. 155; 59 Pac. 397)	148, 149	— v. Woodstock & H. Pl. R. Co. (15 Up. Can. Q. B. 427)	2966
— v. Worcester (196 Mass. 45; 81 N. E. 907)	3053	— v. Wyandotte County (45 Kan. 708; 26 Pac. 683)	2604
Stevens' Case (T. Raym. 432)	2721	Stickford v. St. Louis (7 Mo. App. 217)	2926
Stevens County v. Railroad Co. (33 N. J. L. 229)	440	Stickley v. Sodus (131 Mich. 510; 91 N. W. 745)	1712, 1727
Stevens Point Boom Co. v. Reilly (44 Wis. 295)	129, 489	Stickney v. Maidstone (30 Vt. 738)	2970
— v. Reilly (46 Wis. 237; 49 N. W. 978)	489	— v. Salem (3 Allen [Mass.] 374)	2859, 2957
Stevenson v. Bay City (26 Mich. 44)	949	Stier v. Oskaloosa (41 Iowa, 353)	440
Steward v. Jefferson (3 Harr. [Del.] 335)	2396	Stiewel v. Fencing Dist. (71 Ark. 17; 70 S. W. 308; 71 S. W. 247)	2532, 2577
Stewart Co. v. Flint (147 Mich. 697; 111 N. W. 352)	2602, 2613	Stifel v. MacManus (74 Mo. App. 558)	2635
— v. Baltimore (7 Md. 500) 1	133, 1628, 1651, 1657, 1660, 1669	Stiles v. Curtis (4 Day [Conn.] 328)	1719, 1794
— v. Bank of Indian Territory (68 Kan. 755; 75 Pac. 1055)	1302	Stilk v. Myrick (2 Camph. 317)	552
— v. Chehalis (53 Wash. 213; 101 Pac. 841)	2619	Still v. Houston (27 Tex. Civ. App. 447; 66 S. W. 76)	2975, 3021
— v. Clinton (79 Mo. 603)	913, 988, 3041, 3047	— v. Houston ([Tex. Civ. App.], 66 S. W. 96)	2997
— v. Conley (122 Ala. 179; 27 So. 303)	1711, 1713, 1745	— v. Lansingburgh (16 Barb. [N. Y.] 107)	1583, 1597
— v. Council Bluffs (50 Iowa, 668)	1654	Stilling v. Thorp (54 Wis. 528; 11 N. W. 906; 41 Am. Rep. 60)	2966, 2985
— v. Council Bluffs (58 Iowa, 642; 12 N. W. 718)	463	Stillman v. Isham (11 Conn. 123)	471
— v. Commonwealth (10 Watts [Pa.] 307)	1106	Stillwater v. Green (9 N. J. L. 59)	628
— v. Custer County (14 S. Dak. 155; 84 N. W. 764)	1292	Stillwater Water Co. v. Farmer (89 Minn. 58; 93 N. W. 907; 60 L. R. A. 875; 99 Am. St. Rep. 541; s. c. 92 Minn. 230; 99 N. W. 882)	2308
— v. Davis (3 Murph. [N. Car.] 244)	2444	Stillwell v. Jackson (77 Ark. 250; 93 S. W. 71)	1309
— v. Detroit (137 Mich. 381; 100 N. W. 613)	2602	Stilsing v. Davis (45 N. J. L. 390)	722
— v. Frink (94 N. Car. 487; 55 Am. Rep. 619)	1711	Stilson v. Lawrence Co. (52 Ind. 213)	1183, 1632
— v. Hinds County Board of Police, etc. (25 Miss. 479)	1649	Stilz v. Indianapolis (55 Ind. 515)	177, 615
— v. Jefferson Par. Pol. Jury (116 U. S. 135)	729, 2679	— v. Indianapolis (81 Ind. 582)	2765
— v. Kalamazoo (30 Mich. 65)	2769	Stimson v. Hanley (151 Cal. 379; 90 Pac. 945)	1214
— v. Lansing (104 U. S. 505)	1402, 1475	Stinnett v. Sherman ([Tex. Civ. App.], 43 S. W. 847)	2884
— v. New Orleans (9 La. An. 461; 61 Am. Dec. 218)	2882, 2885, 2898	Stinson v. Butler (4 Blackf. [Ind.] 285)	484
— v. Otoe County (2 Neb. 177)	450, 1672	— v. Gardiner (42 Me. 248; 66 Am. Dec. 281)	2957, 2963
— v. Polk County (30 Iowa, 1)	570, 2319	— v. Smith (8 Minn. 366)	2533
— v. Rutland (58 Vt. 12; 4 Atl. 420)	1676	Stites v. Wiggins Ferry Co. (97 Ill. App. 157)	1361
— v. Southard (17 Ohio 402; 49 Am. Dec. 463)	766, 772	Stittgen v. Rundle (99 Wis. 78; 74 N. W. 536)	979
— v. State (4 Ind. 396)	719, 720	Stock v. Boston (149 Mass. 410; 21 N. E. 871; 14 Am. St. Rep. 430)	2210, 2845



## TABLE OF CASES CITED

437

[References are to pages]

- Stockard v. Morgan* (185 U. S. 27) 2327, 2330, 2339, 2474  
*Stocker v. Nemaha County* ([Neb.], 93 N. W. 721) 3045  
*Stockbridge v. West Stockbridge* (12 Mass. 400) 442  
*Stockdale v. Rio Grande W. R. Co.* (28 Utah, 201; 77 Pac. 849) 1868  
 — *v. Wayland School Dist.* (47 Mich. 226; 10 N. W. 349) 385  
*Stocking v. State* (7 Ind. 326) 721  
 — *v. Warren Bros. Co.* (134 Wis. 235; 114 N. W. 789) 1213  
*Stockton v. American Lucol Co.* ([N. J. Eq.], 36 Atl. 572) 493  
 — *v. Atlantic Highlands R. B. & L. B. Elect. R. Co.* (53 N. J. Eq. 418; 32 Atl. 680) 1943, 1990, 1991, 2141  
 — *v. Craig* (56 W. Va. 464; 49 S. E. 386) 2359  
 — *v. Newark* (42 N. J. Eq. 531; 9 Atl. 203) 1756  
 — *v. Whitmore* (50 Cal. 554) 2630  
*Stockwell v. Fitchburg* (110 Mass. 305) 2963, 2974  
 — *v. Rutland* (75 Vt. 76; 53 Atl. 132) 2866  
*Stockton & V. R. Co. v. Stockton* (41 Cal. 147) 571, 2312  
*Stoddard v. Chambers* (2 How. [U. S.] 284) 1472  
 — *v. Gilman* (22 Vt. 568) 872, 920  
 — *v. Kimball* (6 Cush. [Mass.] 469) 1352  
 — *v. Saratoga Springs* (127 N. Y. 261; 27 N. E. 1030) 2874, 3042  
 — *v. Winchester* (157 Mass. 567; 32 N. E. 948) 2882  
*Stoetzele v. Swearingen* (90 Mo. App. 588) 2961  
*Stokes v. New York* (14 Wend. [N. Y.] 87) 956, 980, 1080, 1081, 1082  
 — *v. Schlacter* (66 N. J. L. 247; 49 Atl. 556) 1018  
*Stoliker v. Boston* (204 Mass. 522; 90 N. E. 927) 2819  
*Stone v. Attleborough* (140 Mass. 328; 4 N. E. 570) 2974  
 — *v. Bank of Commerce* (174 U. S. 412) 671, 672, 1155  
 — *v. Bevans* (88 Minn. 127; 92 N. W. 520; 97 Am. St. Rep. 506) 1143, 1149, 2785  
 — *v. Boston* (2 Met. [Mass.] 220) 1655, 2797  
 — *v. Brooks* (35 Cal. 489) 1715, 1725, 1727, 1743  
 — *v. Cambridge* (6 Cush. [Mass.] 270) 1651  
 — *v. Cheshire R. Co.* (19 N. H. 427; 51 Am. Dec. 192) 3028  
*Stone v. Commercial R. Co.* (4 M. & C. 122) 1652  
 — *v. Chicago* (207 Ill. 492; 69 N. E. 970) 397, 398, 400, 402, 1362, 1495, 1497  
 — *v. Elliott* (11 Ohio St. 252) 1402  
 — *v. Fairbury, P. & N. W. R. Co.* (68 Ill. 394; 18 Am. Rep. 556) 1771, 2018, 2926, 2929, 2946  
 — *v. Farmers' Loan & Trust Co.* (116 U. S. 307) 2226, 2288  
 — *v. Godfrey* (5 De G. M. & G. 76) 2834  
 — *v. Halstead* (62 Mo. App. 136) 440  
 — *v. Hamilton School Dist.* (8 Cush. [Mass.] 592) 830  
 — *v. Hubbardston* (100 Mass. 49) 2967, 2990  
 — *v. Huggins* (28 Vt. 617) 777  
 — *v. Louisville* ([Ky.], 57 S. W. 627) 2442  
 — *v. Mobile* (57 Ala. 61; 29 Am. Rep. 712) 2399, 2789  
 — *v. New York* (25 Wend. [N. Y.] 157, aff'g s. c. 20 Wend. [N. Y.] 139) 2793, 2798, 2848, 2849  
 — *v. New York Civil Service Com'rs* (63 N. Y. App. Div. 273; 71 N. Y. Supp. 1054) 805  
 — *v. Oconomowoc* (71 Wis. 155; 36 N. W. 829) 1595  
 — *v. Southern Ill. & M. Bridge Co.* (206 U. S. 267) 1604  
 — *v. State* (117 Ga. 292; 43 S. E. 740) 2329  
 — *v. Wilson* (19 Ky. Law Rep. 126; 39 S. W. 49) 324  
 — *v. Yazoo & M. V. R. Co.* (62 Miss. 607; 52 Am. Rep. 193) 2231  
*Stoneburgh v. Brighton* (5 Upper Can. L. J. 38) 1156, 1174  
*Stoneham School Dist. v. Richardson* (23 Pick. [Mass.] 62) 626, 628  
*Stonehouse v. Elliott* (6 T. R. 315) 676  
 — *v. Enniskillen* (32 Up. Can. Q. B. 562) 2809  
*Stoner v. Keith County* (48 Neb. 279; 67 N. W. 311) 684  
*Stonington Sav. Bank v. Davis* (14 N. J. Eq. 286) 447  
*Stoors v. Denver* (19 Colo. App. 159; 73 Pac. 1094) 2821  
*Storck v. Metropolitan Elev. R. Co.* (131 N. Y. 514; 30 N. E. 497) 2044  
*Storer Post No. 1, G. A. R. v. Page* (70 N. H. 280; 47 Atl. 264) 2651  
*Storey v. New York* (29 N. Y. App. Div. 316; 51 N. Y. Supp. 580) 2969  
*Stork v. Philadelphia* (199 Pa. 462; 49 Atl. 236) 3022  
*Storm v. Odell* (2 Wend. [N. Y.] 287) 2799

[References are to pages]

- Stormfeltz v. Manor Turnp. Co. (13 Pa. St. 552) 1771, 1783  
 Storms v. Manhattan R. Co. (178 N. Y. 493; 71 N. E. 3; 66 L. R. A. 625, aff'g 77 N. Y. App. Div. 94; 79 N. Y. Supp. 60) 2042  
 Storrie v. Cortes (90 Tex. 283; 38 S. W. 154; 35 L. R. A. 666) 440, 2593  
 — v. Houston City St. R. Co. (92 Tex. 129; 46 S. W. 796; 44 L. R. A. 716) 2505  
 Storris v. Woessner ([Tex. Civ. App.], 47 S. W. 837, aff'd [Tex.] 51 S. W. 1132) 2505  
 Storrs v. Chicago (208 Ill. 364; 70 N. E. 347) 2548  
 — v. Utica (17 N. Y. 104; 72 Am. Dec. 437) 2993, 3015, 3022, 3023, 3024, 3025, 3026, 3027  
 Story v. N. Y. Elev. R. Co. (90 N. Y. 122; 43 Am. Rep. 146) 1694, 1704, 1771, 1772, 1773, 1781, 1792, 1794, 1797, 1859, 1883, 1938, 1943, 1979, 1993, 1994, 2000, 2001, 2022, 2025, 2034, 2035, 2036, 2038, 2935  
 — v. Ulman (88 Md. 244; 41 Atl. 120) 1717, 1742  
 Stotesbury v. Smith (2 Burr. 921) 552  
 Stott v. Chicago (205 Ill. 281; 68 N. E. 736) 802  
 Stoudinger v. Newark (28 N. J. Eq. 187, aff'd 28 N. J. Eq. 446) 1815, 1826  
 Stoughton School Dist. v. Atherton (12 Met. [Mass.] 105) 718, 829, 830, 832, 878, 882, 883  
 Stout v. Glen Ridge (59 N. J. L. 201; 35 Atl. 913) 328  
 — v. Lye (103 U. S. 66) 1497  
 Stoutenburgh v. Hennick (129 U. S. 141) 2330  
 Stover v. Blue Hill (51 Me. 439) 3005  
 Stow v. Wyse (7 Conn. 214; 18 Am. Dec. 99) 865  
 Stowe v. Kearny (72 N. J. L. 106; 59 Atl. 1058) 1787  
 — v. Newborn (127 Ga. 421; 56 S. E. 516) 1644, 1645  
 — v. Stowe (70 Vt. 609; 41 Atl. 1024) 2829  
 Stowell v. Milwaukee (31 Wis. 523) 2931  
 Stowers v. Postal Tel. Cable Co. (68 Miss. 559; 9 So. 356; 12 L. R. A. 864; 24 Am. St. Rep. 290) 1928  
 Strack v. Ratterman (18 Ohio Cir. Ct. 36) 1170  
 Strahl, *In re* (16 Iowa, 369) 649, 651, 653, 669, 839, 842, 1135  
 Strain v. Young (25 Wash. 578; 66 Pac. 64) 431, 655, 656, 662  
 Strang, *Ex parte* (21 Ohio St. 610) 843  
 — v. Cook (47 Hun [N. Y.] 46) 1539, 2777, 2778, 2780  
 Strater Bros. Tobacco Co. v. Commonwealth (117 Ky. 604; 78 S. W. 871) 2470, 2472, 2473, 2474  
 Stratford v. Greensboro (124 N. Car. 127; 32 S. E. 394) 1632, 1641, 1644, 2768  
 — v. Montgomery (110 Ala. 619; 20 So. 127) 2329  
 Stratman, *In re* (39 Cal. 517) 1118  
 Stratton v. Allen (16 N. J. Eq. 229) 522, 523, 1326  
 — v. Lowell (181 Mass. 511; 63 N. E. 948) 880  
 — v. Oregon City (35 Oreg. 409; 60 Pac. 905) 441, 2623  
 — v. Oulton (28 Cal. 44) 743, 747, 748  
 Straub v. Gordon (27 Ark. 625) 2373, 2468  
 — v. Pittsburgh (138 Pa. 356; 22 Atl. 93) 900, 1172  
 — v. St. Louis (175 Mo. 413; 75 S. W. 100) 3001, 3020  
 Straus, Matter of (44 N. Y. App. Div. 425; 61 N. Y. Supp. 37) 226, 227, 229, 564, 1247  
 — v. Eagle Ins. Co. (5 Ohio St. 59) 1139, 1233, 1326  
 Strauss v. Galesburg (203 Ill. 234; 67 N. E. 836) 1017, 1018  
 — v. Pontiac (40 Ill. 301) 901, 963, 964, 1015  
 Streater v. Chrisman (182 Ill. 215; 54 N. E. 997) 3001, 3019  
 — v. Chrisman (82 Ill. App. 24) 3001, 3014  
 — v. O'Brien (103 Ill. App. 85) 3014  
 Street Case (16 La. An. 393) 1646  
 Street v. Francis (3 Ohio, 277) 2792  
 — v. Gallatin County (1 Ill. 25) 2672  
 — v. Holyoke (105 Mass. 82; 7 Am. Rep. 500) 2967, 2968, 3003  
 — v. Leete (79 Conn. 352; 65 Atl. 373) 1715  
 — v. Varney El. Supply Co. (160 Ind. 338; 66 N. E. 895; 61 L. R. A. 154; 98 Am. St. Rep. 325) 211  
 Street Lighting Dist. No. 1. v. Drummond (63 N. J. L. 493; 43 Atl. 1061) 121, 2508  
 Streeter v. Marshalltown (123 Iowa, 449; 99 N. W. 114) 2962  
 — v. Worcester (177 Mass. 29; 58 N. E. 277) 809  
 Streight v. Durham (10 Okla. 361; 61 Pac. 1096) 2366  
 Strehmann v. Chicago (93 Ill. App. 206) 2971  
 Stretch v. Cassopolis (125 Mich.

## TABLE OF CASES CITED

439

[References are to pages]

- 167; 84 N. W. 51; 51 L. R. A. 345; 84 Am. St. Rep. 567) 1098  
*Strickland v. Knight* (47 Fla. 327; 36 So. 363) 2773  
 — *v. Little Rock* (68 Ark. 483; 60 S. W. 26) 979  
 — *v. Railroad Co.* [Miss.] MSS. 569  
*Strieb v. Cox* (111 Ind. 299; 12 N. E. 481) 368, 1391  
*Striker v. Kelly* (7 Hill [N. Y.] 9; s. c. 2 Denio [N. Y.] 323) 628, 872, 1648  
*Strohm v. Iowa City* (47 Iowa, 42) 437, 860, 2768  
*Strohmeyer v. Consumers' El. Co.* (111 La. 506; 35 So. 723) 2071  
*Strong's Case* (Kirby [Conn.] 345) 2648, 2654  
 — (20 Pick. [Mass.] 484) 2666, 2670, 2707  
*Strong v. Darling* (9 Ohio, 201) 621, 1687  
 — *v. Dignan* (207 Ill. 385; 69 N. E. 909; 99 Am. St. Rep. 225) 325  
 — *v. District of Columbia* (1 Mackey [D. C.] 265) 1190  
 — *v. Stevens Point* (62 Wis. 255; 22 N. W. 425) 3001  
*Strosser v. Fort Wayne* (100 Ind. 443) 125, 615, 616, 620, 1888  
*Stroud v. Consumers' Water Co.* (56 N. J. L. 422; 28 Atl. 578) 1143, 1147, 2115  
 — *v. Philadelphia* (61 Pa. St. 255) 1665, 1816, 2496, 2612  
*Strout v. Portland* (26 Oreg. 294; 38 Pac. 126) 2451, 2602, 2603, 2606  
*Strudgeon v. Sand Beach* (107 Mich. 496; 65 N. W. 616) 3001  
*Strusburgh v. New York* (87 N. Y. 452) 2748  
*Struthers v. Dunkirk W. & P. R. Co.* (87 Pa. St. 282) 2000, 2010, 2012  
 — *v. Philadelphia* (12 Phila. [Pa.] 268) 2394  
*Stryker v. New York* (19 Johns. [N. Y.] 179) 613  
*Stuart v. Cambridge* (125 Mass. 102) 1230, 1259  
 — *v. Easton* (170 U. S. 383) 1563  
 — *v. Kirley* (12 S. Dak. 245; 81 N. W. 147) 334  
 — *v. Machiasport* (48 Me. 477) 2971  
 — *v. Palmer* (74 N. Y. 183; 30 Am. Rep. 289) 2317, 2363, 2364, 2365  
*Stubbings Co. v. World's Col. Ex. Co.* (110 Ill. App. 210) 1228  
*Stubbs v. Lee* (64 Me. 195; 18 Am. Rep. 251) 725  
*Stubenrauch v. Neyenesch* (54 Iowa, 567; 7 N. W. 1) 916, 2747, 2793  
*Stuber's Road* (28 Pa. St. 199) 1771, 1836  
*Stuble v. Allison Realty Co.* (124 N. Y. App. Div. 162; 108 N. Y. Supp. 759) 2886  
*Studley v. Oshkosh* (45 Wis. 380) 2983, 3019, 3020  
*Stuhr v. Curran* (44 N. J. Law, 181; 43 Am. Rep. 353) 748  
 — *v. Hoboken* (47 N. J. L. 147) 946  
*Stull v. De Mattos* (23 Wash. 71; 62 Pac. 451; 51 L. R. A. 892) 914, 2462, 2463, 2464, 2465, 2470  
*Sturgeon v. Daviess County* (65 Ind. 302) 1592  
 — *v. Detroit Board of Assessors* (159 Mich. 199; 123 N. W. Rep. 593) 2649  
*Sturges v. Carter* (114 U. S. 511) 2414, 2441, 2443  
 — *v. Chicago* (237 Ill. 46; 86 N. E. 683) 2851  
*Sturmer v. Randolph County Ct.* (42 W. Va. 724; 26 S. E. 532) 1747, 1752  
*Sturr v. Elmer* (75 N. J. L. 443; 67 Atl. 1059) 1148  
*Sturtevant v. Alton* (3 McLean, 393) 631, 1139, 1154  
 — *v. Liberty* (46 Me. 457) 1295  
*Stutsman v. McVicar* (111 Iowa, 40; 82 N. W. 460) 910  
*Stutsman County v. Wallace* (142 U. S. 293) 93  
*Stuttgart v. John* (85 Ark. 520; 109 S. W. 541) 1687, 1690, 1739  
*Stutzbach v. Coler* (168 N. Y. 416; 61 N. E. 697, aff'g 62 N. Y. App. Div. 219; 70 N. Y. Supp. 901) 712, 713, 714, 715  
*Stuyvesant v. New York* (11 Paige Ch. [N. Y.] 414) 1562  
 — *v. New York* (7 Cow. [N. Y.] 588) 464, 903, 924  
 — *v. Woodruff* (21 N. J. L. 133; 47 Am. Dec. 156) 1706  
*Styles v. Lambertville* (73 N. J. L. 90; 62 Atl. 288) 867, 871  
*Sublett v. Bedwell* (47 Miss. 266; 12 Am. Rep. 338) 640  
*Submarine Tel. Co. v. Dickson* (15 C. B. N. s. 759) 3015  
*Suburban Elect. Co. v. Elizabeth* (59 N. J. L. 134; 36 Atl. 673) 860  
*Suburban El. L. Co. v. Hempstead* (38 N. Y. App. Div. 355; 56 N. Y. Supp. 443) 1281  
*Suburban El. L. & P. Co. v. East Orange* ([N. J.], 41 Atl. Rep. 865) 2150  
*Suburban R. T. Co. v. New York City* (128 N. Y. 510; 28 N. E. 525) 1984

[References are to pages]

- Sudbury First Parish v. Stearns* (21 Pick. [Mass.] 148) 645, 845, 863, 886
- Sudderth v. Brittain* (76 N. Car. 458) 2442
- Suffell v. Bank of England* (9 Q. B. D. 555) 1546
- Suffield v. Hathaway* (44 Conn. 521; 26 Am. Rep. 483) 562, 1830, 2749
- Suffolk v. Parker* (79 Va. 660; 52 Am. Rep. 640) 2914
- Sugar v. Monroe* (108 La. 677; 32 So. 961; 59 L. R. A. 723) 2763
- Sugar Notch Borough* (192 Pa. 349; 43 Atl. 985) 280, 313, 328, 330, 627
- Sugden v. Partridge* (174 N. Y. 87; 66 N. E. 655, rev'g 78 N. Y. App. Div. 644; 80 N. Y. Supp. 1149) 704, 710
- Sullivan, Matter of* (55 Hun [N. Y.] 285; 8 N. Y. Supp. 401) 711, 713
- *v. Borden* (163 Mass. 470; 40 N. E. 859) 2463
- *v. Boston* (126 Mass. 540) 2860, 2888, 2974
- *v. Callvert* (27 Wash. 600; 68 Pac. 363) 494
- *v. Dallas City Nat'l Bank* (27 Tex. Civ. App. 359; 65 S. W. 39) 3028
- *v. Holyoke* (135 Mass. 273) 2880
- *v. Jones & Laughlin Steel Co.* (208 Pa. 540; 57 Atl. 1065; 66 L. R. A. 712) 1052
- *v. Leadville* (11 Colo. 483; 18 Pac. 736) 873, 988
- *v. New York* (53 N. Y. 652) 138, 665
- *v. McCammon* (51 Ind. 264) 2827, 2832
- *v. Moreno* (19 Fla. 200) 483
- *v. People* (122 Ill. 385; 13 N. E. 248) 441
- *v. Phillips* (110 Ind. 320; 11 N. E. 300) 2749
- *v. Pittsburg* (5 Pa. Super. Ct. 357) 3048
- *v. Robbins* (109 Iowa, 235; 80 N. W. 340) 2650
- *v. Royer* (72 Cal. 248; 13 Pac. 655; 1 Am. St. Rep. 51) 1052
- *v. Sing Sing* (122 N. Y. 389; 25 N. E. 366) 1163
- *v. Tichenor* (179 Ill. 97; 53 N. E. 561) 1733, 1893, 1896
- *v. Walton* (20 Fla. 552) 1502
- *v. Yazoo & M. V. R. Co.* (85 Miss. 649; 38 So. 33) 2658
- Summerfield v. Chicago* (197 Ill. 270; 64 N. E. 490) 1632, 2064
- Summerland v. Bicknell* (111 Cal. 567; 44 Pac. 232) 266, 324
- Summers v. Daviess County* (103 Ind. 262; 2 N. E. 725; 53 Am. Rep. 512) 2896
- *v. Elsmere* (21 Ky. Law Rep. 1556; 55 S. W. Rep. 682) 620
- *v. State* (51 Ind. 201) 1725
- Summerton v. Hanson* (117 Cal. 252; 49 Pac. 135) 1263
- Summit v. New York & N. J. Tel. Co.* (57 N. J. Eq. 123; 41 Atl. 146) 1927, 2063
- Sumner v. Dorchester First Parish* (4 Pick. [Mass.] 361) 2827
- *v. Milford* (214 Ill. 388; 73 N. E. 742) 2600
- *v. Northfield* (96 Minn. 107; 104 N. W. 686) 2998
- *v. Scaggs* (52 Ill. App. 551) 3001
- Sumner Co. High School v. Sumner County* (61 Kan. 796; 60 Pac. 1057) 2665
- Sunbury, &c. R. Co. v. Cooper* (33 Pa. St. 278) 915
- Sun Mutual Ins. Co. v. New York* (8 N. Y. 241) 2315, 2498
- Sun Publishing Assoc. v. New York City* (152 N. Y. 257; 46 N. E. 499) 241, 310, 2100, 2101, 2103, 2104
- Sunset Tel. & Tel. Co. v. Medford* (115 Fed. Rep. 202) 1004, 2074
- *v. Pomona* (164 Fed. Rep. 561) 1926, 1927
- Superior v. Marble Sav. Bank* (148 Fed. Rep. 7) 1390
- *v. Norton* (24 U. S. App. 59) 453, 454
- *v. Norton* (63 Fed. Rep. 357) 1178
- Supervisors v. Galbraith* (99 U. S. 214) 1378
- *v. Rogers* (7 Wall. [U. S.] 175) 150
- *v. Schenck* (5 Wall. [U. S.] 772) 1195
- *v. United States* (18 Wall. [U. S.] 71) 2674
- Supervisors of Election Case* (114 Mass. 247; 19 Am. Rep. 34) 148
- Surgi v. Snetchman* (11 La. An. 367) 2576
- Susquehanna Bank v. Broome County* (25 N. Y. 312) 2747, 2787
- Susquehanna County v. Deans* (33 Pa. 131) 1889, 1897
- Susquehanna Depot v. Simmons* (112 Pa. 384; 5 Atl. 434; 56 Am. Rep. 317) 1869, 3023, 3025
- Sussex County v. Strader* (18 N. J. L. 108) 768, 1832, 1833, 2801, 2852, 2857, 2950, 2994
- Sussman v. San Luis Obispo County* (126 Cal. 536; 59 Pac. 24) 1703, 1706

TABLE OF CASES CITED

441

[References are to pages]

- Sutherland *v.* Carr (85 N. Y. 105) 683, 684  
 — *v.* Jersey City (61 N. J. Law, 436; 39 Atl. 710) 713, 806  
 — *v.* Rochester (112 N. Y. App. Div. 712; 98 N. Y. Supp. 970) 674  
 Sutliff *v.* Lake County Com'rs (147 U. S. 230) 391, 1442, 1446, 1447, 1451, 1455, 1456, 1458, 1462, 1463, 1465  
 Sutro *v.* Manhattan R. Co. (137 N. Y. 592; 33 N. E. 334) 2043  
 Sutter *v.* Heckman (1 Alaska, 81) 483  
 Sutton *v.* Carroll County Pol. Bd. (41 Miss. 236) 2840, 2857, 2873, 2885, 2950  
 — *v.* Clarke (6 Taunt. 28) 2929, 2938, 2939  
 — *v.* McConnell (46 Wis. 269; 50 N. W. 414) 977  
 — *v.* Montpelier (28 Ind. App. 315; 62 N. E. 710) 2577  
 — *v.* Snohomish (11 Wash. 24; 39 Pac. 273; 48 Am. St. Rep. 847) 2814, 2997  
 — *v.* Wauwatosa (29 Wis. 21; 9 Am. Rep. 534) 3004  
 Sutton First Parish *v.* Cole (3 Pick. [Mass.] 232) 839, 848, 1556, 1568, 1577  
 Sutton's Heirs *v.* Louisville (5 Dana [Ky.] 28) 1682  
 Sutton's Hospital Case (10 Rep. 31) 924  
 Suydam *v.* Keys (13 Johns. [N. Y.] 444) 774  
 Swackhamer *v.* Hackettstown (37 N. J. L. 191) 1284  
 Swails *v.* State (4 Ind. 516) 440  
 Swain *v.* Comstock (18 Wis. 463) 126, 443  
 Swamp Land Dist. *v.* Haggin (64 Cal. 204; 30 Pac. 631) 2398  
 — *v.* Silver (98 Cal. 51; 32 Pac. 866) 121, 590, 592  
 Swan *v.* Arkansas City (61 Fed. Rep. 478) 1377, 1485  
 — *v.* Chorpenning (20 Cal. 182) 1166  
 — *v.* Williams (2 Mich. 427) 1644, 1649  
 Swanberg *v.* New York City (123 N. Y. App. Div. 774; 108 N. Y. Supp. 364) 2216  
 Swann *v.* Buck (40 Miss. 268) 728  
 — *v.* Cumberland (8 Gill [Md.] 150) 1655, 2585, 2793, 2794  
 Swan Point Cemetery *v.* Tripp (14 R. I. 199) 2444  
 Swanson *v.* Ottumwa (118 Iowa, 161; 91 N. W. 1048; 59 L. R. A. 620) 350, 371, 372, 376, 529  
 — *v.* Ottumwa (131 Iowa, 540; 106 N. W. 9; 5 L. R. A. n. s. 860) 1339, 1480, 1547, 1550  
 Swanton *v.* Highgate (81 Vt. 152; 69 Atl. 667; 16 L. R. A. n. s. 867) 2118, 2121  
 Swanzea *v.* Somerset (132 Mass. 312) 1832  
 Swart *v.* District of Columbia (17 D. C. App. 407) 2960, 3001  
 Swarth *v.* People (109 Ill. 621) 1907, 1990  
 Swarts *v.* Hammer (194 U. S. 441, aff'g 120 Fed. Rep. 256) 2443, 2444  
 Swartz *v.* Flatboats (14 La. An. 243) 480  
 — *v.* Page (13 Mo. 603) 1597, 1760  
 Sweaney *v.* Kansas City R. Co. (54 Mo. App. 265) 2587  
 Sweatman *v.* Bathrick (17 S. Dak. 139; 95 N. W. 422) 1716  
 — *v.* Deadwood (9 S. Dak. 380; 69 N. W. 582) 1695  
 Swedish Evangelist Lutheran Church *v.* Jackson (229 Ill. 506; 82 N. E. 348) 1688, 1716, 1724, 1740, 1741  
 Sweeney *v.* Port Burwell Harbor Co. (17 Upper Can. C. P. 574, rev'd 19 Upper Can. C. P. 376) 516  
 — *v.* Spooner (3 B. & S. 329) 1129  
 Sweeny *v.* New York City (173 N. Y. 414; 66 N. E. 101, rev'g 69 N. Y. App. Div. 80; 74 N. Y. Supp. 589) 1320  
 Sweet *v.* Boston (186 Mass. 79; 71 N. E. 113) 1650  
 — *v.* Carver County (16 Minn. 106) 1290  
 — *v.* Conley (20 R. I. 381; 39 Atl. 326) 2650, 3044  
 — *v.* Partridge (66 N. Y. App. Div. 309; 72 N. Y. Supp. 699) 715  
 — *v.* People (200 Ill. 536; 65 N. E. 1094) 1216, 1217  
 — *v.* Poughkeepsie (97 N. Y. App. Div. 82; 89 N. Y. Supp. 618) 2973, 2999  
 — *v.* Rechel (159 U. S. 380) 1603, 1605, 1661  
 — *v.* Syracuse (129 N. Y. 316; 27 N. E. 1081; 29 N. E. 289) 2779  
 — *v.* Syracuse (60 Hun [N. Y.] 28; 14 N. Y. Supp. 421, rev'd 129 N. Y. 316) 2778  
 — *v.* Wabash (41 Ind. 7) 996, 1001  
 Sweetzer *v.* Hay (2 Gray [Mass.] 49) 683  
 — *v.* Mead (5 Mich. 107) 1174  
 Swenson *v.* Bird Island (93 Minn. 336; 101 N. W. 495) 1190  
 — *v.* Lexington (69 Mo. 157) 2011  
 Swett *v.* Cutts (50 N. H. 439; 9 Am. Rep. 276) 1059  
 Swift *v.* Berry (1 Root [Conn.] 448) 1833



## TABLE OF CASES CITED

[References are to pages]

- Swift *v.* Delaware L. & W. R. Co.  
 (66 N. J. Eq. 34; 57 Atl. 456) 1868  
 — *v.* Lithonia (101 Ga. 706; 29  
 S. E. 12) 1705  
 — *v.* Newport News (105 Va.  
 108; 52 S. E. 821; 3 L. R. A. N.  
 s. 404) 1821  
 — *v.* New York (83 N. Y. 528) 2810,  
 2881  
 — *v.* New York (17 Hun [N. Y.]  
 518) 1250  
 — *v.* People (162 Ill. 534; 44  
 N. E. 528) 1021  
 — *v.* Poughkeepsie (37 N. Y.  
 514) 2832  
 — *v.* St. Louis (180 Mo. 80; 79  
 S. W. 172) 1205, 1209  
 — *v.* Sangamon County School  
 Trs. (189 Ill. 584; 60 N. E. 44,  
 aff'g 91 Ill. App. 221) 764  
 — *v.* Smith (102 U. S. 442) 1476  
 — *v.* Topeka (43 Kan. 671; 23  
 Pac. 1075; 8 L. R. A. 772) 1084  
 — *v.* Williamsburg (24 Barb.  
 [N. Y.] 427) 1156, 1165, 1249, 1250,  
 2596, 2872  
 Swigert, *In re* (119 Ill. 83; 6 N.  
 E. 469; 59 Am. Rep. 789) 2445  
 Swindell *v.* State (143 Ind. 153; 42  
 N. E. 528; 35 L. R. A. 50) 893,  
 900, 902, 906, 907  
 Swinhart *v.* St. Louis & S. R. Co.  
 (207 Mo. 423; 105 S. W. 1043)  
 1942, 1943, 1990  
 Switzer *v.* Wellington (40 Kan. 250;  
 19 Pac. 620; 10 Am. St. Rep.  
 196) 469  
 Switzerland County *v.* Reeves  
 (148 Ind. 467; 46 N. E. 995) 2366  
 Swope *v.* Seattle (35 Wash. 69;  
 76 Pac. 517) 1664  
 Swords *v.* Baillio (105 La. 328; 29  
 So. 942) 2380  
 — *v.* Edgar (59 N. Y. 28; 17 Am.  
 Rep. 295) 2904  
 Sycamore Board of Education *v.*  
 State (80 Ohio St. 133; 88 N.  
 E. 412) 2648, 2657  
 Sydney *v.* Bourke (L. R. [1895]  
 App. Cas. 433) 2855  
 Sykes *v.* Columbus (55 Miss. 115) 1480,  
 1525, 1537, 2681  
 — *v.* Lafferry (27 Ark. 407) 1169  
 — *v.* Pawlet (43 Vt. 446; 5 Am.  
 Rep. 595) 2974  
 — *v.* St. Cloud (60 Minn. 442;  
 62 N. W. 613) 2297  
 Sylvania *v.* Hilton (123 Ga. 754;  
 51 S. E. 744; 2 L. R. A. N. s.  
 483; 107 Am. St. Rep. 162) 985, 1106  
 Sylvester *v.* Macauley (1 Wils. [Ind.]  
 19) 777  
 Sylvester Coal Co. *v.* St. Louis (130  
 Mo. 323; 32 S. W. 649; 51 Am.  
 St. Rep. 566) 991  
 Symmers *v.* Regem (Cowp. 502) 793,  
 816  
 Symonds *v.* Clay County (71 Ill.  
 355) 2855, 2857  
 Symons *v.* San Francisco (115 Cal.  
 555; 42 Pac. 913; 47 Pac. 453) 1838,  
 1842  
 Syracuse *v.* Hubbard (64 N. Y.  
 App. Div. 587; 72 N. Y. Supp.  
 802) 170  
 — *v.* Mapes (55 Neb. 738; 76 N.  
 W. 458) 616, 620  
 — *v.* Stacey (86 Hun [N. Y.] 441;  
 33 N. Y. Supp. 929) 1644  
 — *v.* Stacey (45 N. Y. App. Div.  
 249; 61 N. Y. Supp. 165) 1676  
 Syracuse Solar Salt Co. *v.* Rome,  
 W. & O. R. Co. (67 Hun [N.  
 Y.] 153; 22 N. Y. Supp. 321) 1992,  
 2024  
 Syracuse Water Co. *v.* Syracuse  
 (116 N. Y. 167; 22 N. E. 381) 1921,  
 1984, 2142, 2158, 2159, 2161, 2162,  
 2163, 2166, 2191  
 Taake *v.* Seattle (16 Wash. 90; 47  
 Pac. 220) 2975  
 Taber *v.* Erie County (131 N. Y.  
 432; 30 N. E. 177) 2314  
 — *v.* Ferguson (109 Ind. 227;  
 9 N. E. 723) 1219, 1279, 2603  
 — *v.* Grafmiller (109 Ind. 206;  
 9 N. E. 721) 1813, 2426, 2581  
 — *v.* New Bedford (135 Mass.  
 162) 1803, 2794  
 — *v.* New York, P. & B. R. Co.  
 (28 R. I. 269; 67 Atl. 9) 1982, 1983  
 Tabor *v.* Erie County (131 N. Y.  
 432; 30 N. E. 177) 229  
 Tackaberry *v.* Keokuk (32 Iowa,  
 155) 2459  
 Tacoma *v.* German American Sav.  
 Bank (15 Wash. 294; 46 Pac.  
 256) 1290  
 — *v.* Krech (15 Wash. 296; 46  
 Pac. 255; 34 L. R. A. 68) 1096  
 — *v.* Lilis (4 Wash. 797; 31 Pac.  
 321; 18 L. R. A. 372) 1150  
 — *v.* State (4 Wash. 64; 29 Pac.  
 847) 117, 1621, 1644, 1645  
 — *v.* Tacoma Light & Water  
 Co. (16 Wash. 288; 44 Pac. 655)  
 1157, 1158  
 Tacoma Bituminous Pav. Co. *v.*  
 Sternberg (26 Wash. 84; 66  
 Pac. 121) 1250  
 Tacoma Gas & El. L. Co. *v.* Tacoma  
 (14 Wash. 288; 44 Pac. 655) 117,  
 118, 449, 453  
 Tacoma Hotel Co. *v.* Tacoma Light



## TABLE OF CASES CITED

443

[References are to pages]

- & Water Co. (3 Wash. 316; 28  
 Pac. 516; 14 L. R. A. 669; 28  
 Am. St. Rep. 35) 2219, 2228  
 Tacoma Land Co. v. Tacoma (15  
 Wash. 133; 45 Pac. 733) 2604  
 Tacoma R. & P. Co. v. Pacific  
 Traction Co. (155 Fed. Rep.  
 259) 1993  
 Taft v. Commonwealth (158 Mass.  
 526; 33 N. E. 1046) 1675  
 — v. Montague (14 Mass. 285;  
 7 Am. Dec. 215) 1193  
 — v. Pittsford (28 Vt. 286) 1154,  
 1260, 1293  
 Taggart v. Claypool (145 Ind. 590;  
 44 N. E. 18; 32 L. R. A. 586) 2425  
 — v. Newport St. R. Co. (16 R.  
 I. 668; 19 Atl. 326; 7 L. R. A.  
 205) 2007  
 Tahlequah v. Guinn (5 Indian  
 Terr. 497; 82 S. W. 886) 2152, 2153  
 Tainter v. Morristown (19 N. J.  
 Eq. 46) 1096, 1897, 2753  
 — v. Worcester (123 Mass. 311;  
 25 Am. Rep. 90) 560, 1911, 2301,  
 2302  
 Talbot v. Dent (9 B. Mon. [Ky.]  
 526) 128, 569  
 — v. Hudson (16 Gray [Mass.]  
 417) 1637, 1642  
 — v. New York & H. R. R. Co.  
 (151 N. Y. 155; 45 N. E. 382,  
 aff'g 78 Hun [N. Y.] 473; 29  
 N. Y. Supp. 187) 1821, 1835, 2931  
 — v. Taunton (140 Mass. 552;  
 5 N. E. 616) 2961  
 — v. Whipple (7 Gray [Mass.]  
 122) 3037  
 Talbot County v. Queen Anne  
 County (50 Md. 245) 64, 158  
 Talbot Pav. Co. v. Detroit (109  
 Mich. 657; 67 N. W. 979; 63  
 Am. St. Rep. 604) 771, 1224  
 Talbott v. Grace (30 Ind. 389; 95  
 Am. Dec. 704) 504, 1710, 1714  
 — v. Richmond & D. R. Co. (31  
 Gratt. [Va.] 685) 1700, 1709  
 — v. St. Joseph County (42 Ind.  
 App. 198; 85 N. E. 376) 2856  
 Talbutt v. State (39 Tex. Crim.  
 Rep. 64; 44 S. W. 1091; 73 Am.  
 St. Rep. 903) 2326  
 Talcott v. Buffalo (125 N. Y. 280;  
 26 N. E. 263, rev'g 57 Hun [N.  
 Y.] 43; 10 N. Y. Supp. 370) 459,  
 2778, 2779, 2780  
 — v. New York (58 N. Y. App.  
 Div. 514; 69 N. Y. Supp.  
 360) 3056  
 — v. Noel (107 Iowa, 470; 78  
 N. W. 39) 2623, 2625  
 — v. Pine Grove (1 Bench and  
 Bar N. s. 50) 1367  
 Talladega v. Fitzpatrick (133 Ala.  
 613; 32 So. 252) 972  
 Tallahassee v. Fortune (3 Fla. 19;  
 52 Am. Dec. 358) 2993, 3012  
 Tallant v. Burlington (39 Iowa,  
 543) 2598, 2827  
 Tallapoosa Com'rs Court v. Tarver  
 (21 Ala. 661) 849, 2720, 2721  
 Tallman v. Janesville (17 Wis. 71)  
 2441, 2637  
 — v. Metropolitan Elev. R. Co.  
 (121 N. Y. 119; 23 N. E. 1134;  
 8 L. R. A. 173) 2045  
 Tallon v. Hoboken (59 N. J. L.  
 383; 36 Atl. 693; s. c. 60 N.  
 J. L. 212; 37 Atl. 895) 1697, 1975  
 Tally v. Jackson County ([Ala.],  
 39 So. 167) 1286  
 Talman v. Butler County (12  
 Iowa, 531) 2315  
 Talty v. Atlantic (92 Iowa, 135;  
 60 N. W. 516) 3013  
 Tamaqua & L. St. R. Co. v. Inter-  
 County St. R. Co. (167 Pa. 91;  
 31 Atl. 473) 1945  
 Tampa v. Salomonson (35 Fla.  
 446; 17 So. 581) 460, 986  
 — v. Tampa Water Works Co.  
 (45 Fla. 600; 34 So. 631; s. c.  
 47 Fla. 338; 36 So. 241, aff'd  
 199 U. S. 241) 2226, 2229, 2245  
 Tannenbaum v. Rehm (152 Ala.  
 494; 44 So. 532; 11 L. R. A.  
 n. s. 700; 126 Am. St. Rep. 52) 1096,  
 1106  
 Tanner v. Albion (5 Hill [N. Y.]  
 121) 1040, 1113, 1114  
 — v. Auburn (37 Wash. 38;  
 79 Pac. 494) 1198, 2132, 2152  
 Tappan v. Boston St. Com'rs (193  
 Mass. 498; 79 N. E. 796) 2530  
 — v. Boston Water Power Co.  
 (157 Mass. 24; 31 N. E. 703;  
 16 L. R. A. 353) 503  
 — v. Long Branch Police, etc.  
 Commission (59 N. J. L. 371;  
 35 Atl. 1070) 846, 1194  
 — v. Merchants' Nat. Bank (19  
 Wall. [U. S.] 490) 2409, 2410, 2414  
 Taraldson v. Lime Springs (92  
 Iowa, 187; 60 N. W. 658) 1725,  
 1896  
 Tarba v. Rochester (41 N. Y. App.  
 Div. 188; 58 N. Y. Supp. 755) 3014  
 Tarbuton v. Tennille (110 Ga.  
 90; 35 S. E. 282) 2838, 2841,  
 2842  
 Tarkio v. Clark (186 Mo. 285; 85  
 S. W. 329) 1646, 1647, 1648, 1650,  
 1657  
 — v. Cook (120 Mo. 1; 25 S. W.  
 202; 41 Am. St. Rep. 678) 943,  
 1018, 1113

[References are to pages]

- Tarkio v. Loyd (179 Mo. 600; 78 S. W. 797) 979
- Tarlton, *In re* (2 Ala. 35) 1655, 2792, 2793
- v. Franklin (62 Ind. 212) 2425
- Tarras v. Winona (71 Minn. 22; 73 N. W. 505) 2965
- Tarry v. Ashton (L. R. 1 Q. B. Div. 314) 2978
- Tarver v. Tallapoosa (17 Ala. 527) 2721
- Tash v. Adams (10 Cush. [Mass.] 252) 75, 566, 2769
- Tate v. Greensboro (114 N. Car. 392; 19 S. E. 767; 24 L. R. A. 671) 771, 1097, 1098, 2935
- v. Missouri, K. & T. R. Co. (64 Mo. 149) 2923
- v. Ohio & Miss. R. Co. (7 Ind. 470) 1836, 1972, 1975, 1991, 2013
- v. St. Paul (56 Minn. 527; 58 N. W. 158; 45 Am. St. Rep. 501) 3052, 3056, 3060
- Tatem v. Wright (23 N. J. L. 429) 2354
- Tatman v. Benton Harbor (115 Mich. 695; 74 N. W. 187) 2947, 3035, 3038
- Tatom v. White (95 N. Car. 453) 678
- Tavener's Case (Raym. 446) 2714
- Tawney v. Lynn & Ely R. Co. (16 L. J. N. s. Eq. 282) 1652
- Tax Collector v. Dendinger (38 La. An. 261) 450
- Taxpayers v. Sewerage Co. (108 La. 569; 32 So. 563) 458
- Taylor, *Ex parte* (87 Cal. 91; 25 Pac. 258) 972
- v. Americus (39 Ga. 59) 1135, 2793
- v. Austin (32 Minn. 247; 20 N. W. 157) 3052
- v. Ballard (24 Wash. 191; 64 Pac. 143) 2960
- v. Bay City St. Co. (80 Mich. 77; 45 N. W. 335) 449
- v. Bayonne (56 N. J. L. 265; 28 Atl. 380) 804
- v. Bayonne (57 N. J. L. 376; 30 Atl. 431) 820
- v. Binford (37 Ohio St. 262) 1563
- v. Bliss (26 R. I. 16; 57 Atl. 939) 2799
- v. Bloomington (186 Ill. 497; 58 N. E. 216) 2595
- v. Boulware (17 Tex. 74; 67 Am. Dec. 642) 621
- v. Boyd (63 Tex. 533) 2503, 2537, 2576
- v. Carondelet (22 Mo. 105) 902, 957, 961, 1594, 1596
- v. Cedar Rap. & St. P. R. Co. (25 Iowa, 371) 1562
- Taylor v. Chickasaw County (74 Miss. 23; 19 So. 834) 1288, 1294
- v. Commonwealth (3 J. J. Marsh. [Ky.] 401) 148
- v. Commonwealth (29 Gratt. [Va.] 780) 1897
- v. Crawford (72 Ohio St. 560; 74 N. E. 1065; 69 L. R. A. 805) 2369
- v. Crawfordsville (155 Ind. 403; 58 N. E. 490) 2534, 2747
- v. Cumberland (64 Md. 68; 20 Atl. 1027; 54 Am. Rep. 759) 2842, 2904
- v. Davey (55 Neb. 153; 75 N. W. 553) 1297
- v. Douner (31 Cal. 480) 2399
- v. Erie City Pass. R. Co. (186 Pa. 120; 40 Atl. 316) 1967, 1968
- v. Fort Wayne (47 Ind. 281) 615, 616, 620, 1690
- v. Gloucester (1 Roll. 409) 808
- v. Gloucester (3 Bulst. 190) 810
- v. Goodwin (L. R. 4 Q. B. D. 228) 1086
- v. Greenhalgh (L. R. 9 Q. B. 487) 3012
- v. Griswold (17 N. J. Eq. 222; 27 Am. Dec. 33) 922, 926, 933
- v. Henry (2 Pick. [Mass.] 397) 833, 878, 882, 884, 886, 889
- v. Houston & T. C. R. Co. ([Tex. Civ. App.], 80 S. W. 260) 3038
- v. Hoya (9 Tex. Civ. App. 312; 29 S. W. 540) 440
- v. Lake Shore & M. S. R. Co. (45 Mich. 74; 7 N. W. 728; 40 Am. Rep. 457) 3032
- v. Lambertville (43 N. J. Eq. 107; 10 Atl. 809) 892, 893, 897, 1184, 1237
- v. McFadden (84 Iowa, 262; 50 N. W. 1070) 655, 2402
- v. Mankato (81 Minn. 276; 83 N. W. 1084) 3001
- v. Metropolitan Elev. Ry. Co. (50 Super. Ct. 311; s. c. 55 Super. Ct. 555) 2047
- v. Montreal Harbor Com'rs (17 Rap. Jud. Que. S. C. 275) 509
- v. Mt. Vernon (129 N. Y. 651; 29 N. E. 1032) 3013
- v. Newberne (2 Jones [N. Car.] Eq. 141; 44 Am. Dec. 566) 127, 570, 582, 2396
- v. New York (67 N. Y. 87, rev'g 5 Daly [N. Y.] 485) 1291, 1320
- v. New York (82 N. Y. 10) 2813
- v. Normal Highway Com'rs (88 Ill. 526) 1146

## TABLE OF CASES CITED

445

[References are to pages]

- Taylor v. Northampton County* (5 Jones L. [N. Car.] 98) 2653  
 — *v. Oldham* (46 L. J. Ch. 105; L. R. 4 Ch. Div. 395) 1770  
 — *v. Owensboro* (98 Ky. 271; 32 S. W. 948; 56 Am. St. Rep. 361) 2880, 2882, 2883, 2884  
 — *v. Palmer* (31 Cal. 240) 834, 1278, 2574, 2594  
 — *v. Parish, &c.* (L. R. 6 C. P. 309) 637  
 — *v. Patton* (160 Ind. 4; 66 N. E. 91) 2604  
 — *v. Peckham* (8 R. I. 349; 91 Am. Dec. 235; 5 Am. Rep. 578) 2961, 2988  
 — *v. People* (66 Ill. 322) 2826  
 — *v. Philadelphia Board of Health* (31 Pa. 73) 2830, 2832, 2835  
 — *v. Phillipi* (35 W. Va. 554; 14 S. E. 130) 1895  
 — *v. Pine Bluff* (34 Ark. 603) 933  
 — *v. Plymouth* (8 Met. [Mass.] 462) 2846, 2847, 2849  
 — *v. Porter* (4 Hill [N. Y.] 140; 40 Am. Dec. 274) 1624, 1641  
 — *v. Portsmouth K. & Y. St. R. Co.* (91 Me. 193; 39 Atl. 560; 64 Am. St. Rep. 216) 1908, 2006, 2056  
 — *v. Ross County* (23 Ohio St. 22) 574  
 — *v. St. Louis* (14 Mo. 20; 55 Am. Dec. 89) 1821, 2926, 2932  
 — *v. School Dist.* (97 Fed. Rep. 753) 379, 382, 383, 406  
 — *v. Smith* (50 N. J. L. 101; 11 Atl. 321) 2509  
 — *v. State* (147 Ala. 131; 41 So. 776) 2460  
 — *v. Strong* (3 Wend. [N. Y.] 384) 675  
 — *v. Sullivan* (45 Minn. 309; 47 N. W. 802; 11 L. R. A. 272; 22 Am. St. Rep. 729) 639  
 — *v. Tacoma* (8 Wash. 174; 35 Pac. 584) 735  
 — *v. Taylor* (10 Minn. 112) 643, 657, 660  
 — *v. Thompson* (42 Ill. 9) 2314, 2390  
 — *v. Underhill* (40 Cal. 471) 492  
 — *v. Wapatoneka* (26 Ohio Cir. Ct. R. 285) 2629  
 — *v. Waverly* (94 Iowa, 661; 63 N. W. 347) 2429  
 — *v. Woburn* (130 Mass. 494) 2817, 2819  
 — *v. Yonkers* (105 N. Y. 202; 11 N. E. 642; 59 Am. Rep. 492) 2966, 2967  
 — *v. Youngs* (48 Mich. 268; 12 N. W. 208) 2407  
*Taylor v. Ypsilanti* (105 U. S. 60) 1349, 1405, 1408, 1410  
*Taylor Borough v. Postal Tel. Cable Co.* (202 Pa. St. 583; 52 Atl. 128) 1003, 2074, 2076  
*Taylor Dist. Tp. v. Morton* (37 Iowa, 550) 763  
*Taylor's Case* (Poph. 133) 724  
*Taylors of Ipswich* (1 Rol. 5) 589  
 — (11 Rep. 54a) 985  
*Taymouth v. Koehler* (35 Mich. 22) 885, 1191  
*Teachout v. Des Moines B. G. St. R. Co.* (75 Iowa, 722; 38 N. W. 145) 1976  
*Tear v. Freebody* (4 C. B. N. s. 228) 1882  
*Tearney v. Smith* (86 Ill. 391) 768, 769, 775, 2926  
*Teass v. St. Albans* (38 W. Va. 1; 17 S. E. 400; 19 L. R. A. 802) 1895  
*Tecumseh v. Phillips* (5 Neb. 305) 137, 762  
*Tecumseh Nat. Bank v. Saunders* (51 Neb. 801; 71 N. W. 779) 659, 662  
*Tedens v. Chicago Sanitary Dist.* (149 Ill. 87; 36 N. E. 1033) 1674  
*Teegarden v. Davis* (36 Ohio St. 601) 2786  
 — *v. Racine* (56 Wis. 545; 14 N. W. 614) 459  
*Teft v. Size* (10 Ill. 432) 988  
*Tegarden v. McBean* (33 Miss. 283) 1727  
*Tegeler v. Kansas City* (95 Mo. App. 162; 68 S. W. 953) 2874  
*Tehama County v. Sisson* (152 Cal. 167; 92 Pac. 64) 2761  
*Telford v. Ashland* (100 Wis. 238; 75 N. W. 1006) 2822, 2823  
*Telheard v. Bay St. Louis* (87 Miss. 580; 40 So. 326) 982  
*Tell City v. Bielefeld* (20 Ind. App. 1; 49 N. E. 1090) 1868  
*Telle v. St. Tammany Parish School Board* (44 La. An. 365; 10 So. 801) 2768  
*Temby v. Ishpeming* (140 Mich. 146; 103 N. W. 588; 69 L. R. A. 618) 2974  
*Temperance Hall Assoc. v. Giles* (33 N. J. L. 260) 3028  
*Templeton v. Newton County* ([Ind.], 89 N. E. Rep. 880) 2649  
 — *v. Tekamah* (32 Neb. 542; 49 N. W. 373) 2471, 2472  
*Templin v. Boone* (127 Iowa, 91; 102 N. W. 789) 2967, 3001  
 — *v. Iowa City* (14 Iowa, 59; 81 Am. Dec. 455) 3046  
*Tenement House Dept. v. Moes-*

## TABLE OF CASES CITED

[References are to pages]

- chen (179 N. Y. 325; 72 N. E. 231; 70 L. R. A. 704; 103 Am. St. Rep. 910; s. c. 89 N. Y. App. Div. 526; 85 N. Y. Supp. 704; 90 N. Y. App. Div. 605; 85 N. Y. Supp. 1148, aff'd 203 U. S. 583) 1070, 1071  
 Ten Eyck v. Canal Co. (18 N. J. L. 200; 37 Am. Dec. 233) 147  
 Tennant v. Crocker (85 Mich. 328; 48 N. W. 577) 837, 860, 1178  
 Tennessee v. Whitworth (117 U. S. 129) 2445, 2449  
 Tennessee & A. R. Co. v. Adams (3 Head [Tenn.] 596) 1933, 1979  
 Tennessee & C. R. Co. v. Moore (36 Ala. 371) 2660  
 Tenney v. E. Warren Lumber Co. (43 N. H. 343) 630  
 — v. Lenz (16 Wis. 566) 998, 1000, 1101  
 Tensas Par. Police Jury v. Britton (15 Wall. [U. S.] 566) 1169, 1181, 1299, 1326, 1327, 1332, 1333, 1342, 1343  
 Tenth National Bank v. Smith Const. Co. (218 Pa. 581; 67 Atl. 872) 1274  
 Terhune v. New York (88 N. Y. 247) 746, 747, 748  
 Terre Haute v. Beach (96 Ind. 143) 108, 620  
 — v. Blake (9 Ind. App. 403; 36 N. E. 932) 2934  
 — v. Constans (26 Ind. App. 421; 59 N. E. 1078) 2960  
 — v. Evansville & T. H. R. Co. (149 Ind. 174; 46 N. E. 77; 37 L. R. A. 189) 149, 1614, 1671  
 — v. Hudnut (112 Ind. 542; 13 N. E. 686) 3049  
 — v. Kersey (159 Ind. 300; 64 N. E. 469; 95 Am. St. Rep. 298) 1850, 1854  
 — v. Lake (43 Ind. 480) 920, 1169, 1237  
 — v. Terre Haute Water Works Co. (94 Ind. 305) 458, 1582  
 — v. Turner (36 Ind. 522) 1826, 1847, 2452, 2923, 2924  
 Terre Haute & I. R. Co. v. Scott (74 Ind. 29) 1705  
 — v. Voelker (129 Ill. 540; 22 N. E. 20) 910, 948  
 Terre Haute & L. R. Co. v. Bissell (108 Ind. 113; 9 N. E. 144) 2000, 2010  
 — v. Flora (29 Ind. App. 442; 64 N. E. 648) 880, 881  
 Terre Haute & S. E. R. Co. v. Rodel (89 Ind. 128; 46 Am. Rep. 164) 2013  
 Terrel v. Wheeler (123 N. Y. 76; 25 N. E. 329) 2365, 2636  
 Terrell v. Dessiant (71 Tex. 770; 9 S. W. 593) 357, 419, 423, 426  
 — v. Louisville Water Co. (127 Ky. 77; 105 S. W. 100) 2301, 2910  
 — v. Paducah (122 Ky. 331; 92 S. W. 310) 1250, 1251, 2556  
 — v. State (41 Tex. 463) 441  
 — v. Strong (14 N. Y. Misc. 258; 35 N. Y. Supp. 1000) 1222, 2780  
 Terrett v. Sharon (34 Conn. 105) 2768, 2769  
 — v. Taylor (9 Cranch [U. S.] 43) 187, 189, 1556, 2177  
 Terrill v. Bloomfield ([Ky.], 14 Ky. Law Rep. 614; 20 S. W. Rep. 289; s. c. 21 S. W. 1041) 1627  
 Territory v. Baker (12 N. Mex. 456; 78 Pac. 624, aff'd 196 U. S. 432) 2698  
 — v. Cole (3 Dak. 301; 19 N. W. 418) 2708, 2709  
 — v. Cox (6 Dak. 501) 784  
 — v. Crum (13 Okla. 9; 73 Pac. 297) 2647  
 — v. Deegan (3 Mont. 82) 1897  
 — v. De Wolfe (13 Okla. 454; 74 Pac. 98) 865  
 — v. First National Bank (10 N. Mex. 283; 65 Pac. 172) 2366  
 — v. Gutierrez (12 N. Mex. 255; 78 Pac. 139) 326, 327  
 — v. Hopkins (9 Okla. 133; 59 Pac. 976) 1522  
 — v. Jacobs (12 Okla. 152; 70 Pac. 197) 729  
 — v. Mohave County (2 Ariz. 248; 12 Pac. 730) 643  
 — v. Oklahoma (2 Okla. 158; 37 Pac. 1094) 362  
 — v. Robertson (19 Okla. 149; 92 Pac. 144) 1016, 1018, 1020  
 — v. Smith (3 Minn. 240) 639  
 — v. Socorro (12 N. Mex. 177; 76 Pac. 283) 2687, 2717  
 — v. Stewart (1 Wash. 98; 23 Pac. 405) 110  
 — v. Stokes (2 N. Mex. 63) 717  
 Terry v. Baker ([Ky.], 67 S. W. 258) 2707  
 — v. Bank (18 Wis. 87) 194  
 — v. Gleason (21 N. Y. Misc. 368; 47 N. Y. Supp. 741) 2777  
 — v. King County (43 Wash. 61; 86 Pac. 210) 242, 278  
 — v. McClung (104 Va. 599; 52 S. E. 355) 1714  
 — v. New York (8 Bosw. [N. Y.] 594) 2889, 2909  
 — v. Richmond (94 Va. 537; 27 S. E. 429; 38 L. R. A. 834) 1265, 1271, 2947

## TABLE OF CASES CITED

447

[References are to pages]

- Terryll *v.* Faribault (84 Minn. 341; 87 N. W. 917) 2821
- Tesh *v.* Commonwealth (4 Dana [Ky.] 522) 1117
- Testard *v.* Brooks ([Tex. Civ. App.], 70 S. W. 240) 2707
- Tetrault *v.* Orange (55 N. J. L. 99; 25 Atl. 268) 279, 297
- Texarkana *v.* Friedell (82 Ark. 531; 102 S. W. 374) 1193, 1194
- *v.* Leach (66 Ark. 40; 48 S. W. 807; 74 Am. St. Rep. 68) 1837, 1844, 2773
- *v.* Southwestern T. & T. Co. (48 Tex. Civ. App. 16; 106 S. W. 915) 1927, 2062, 2069
- Texarkana & F. S. R. Co. *v.* Frugia (43 Tex. Civ. App. 48; 95 S. W. 563) 988
- Texarkana & F. S. R. Co. *v.* Texas & N. O. R. Co. (28 Tex. Civ. App. 551, 67 S. W. 525) 1980, 1992
- Texas & Pacific R. Co. *v.* Nelson (2 U. S. App. 213) 1093
- *v.* Rosedale St. R. Co. (64 Tex. 80; 53 Am. Rep. 739) 2002
- Texas Land & M. Co. *v.* Worsham (76 Tex. 556; 13 S. W. 384) 2358
- Texas Sav. & R. E. Inv. Assoc. *v.* Pierre's Heirs (10 Tex. Civ. App. 453; 31 S. W. 426) 272
- Texas Transportation Co. *v.* Boyd (67 Tex. 153; 2 S. W. 364) 2503, 2537, 2576, 2630
- Texas Trunk R. Co. *v.* Lewis (81 Tex. 1; 16 S. W. 647) 2028
- Textor *v.* Baltimore & Ohio R. Co. (59 Md. 63; 43 Am. Rep. 540) 555, 1094
- *v.* Shipley (86 Md. 424; 38 Atl. 932) 2489
- Thacher *v.* Jefferson County (13 Kan. 182) 1246
- Thaison *v.* Sanchez (13 Tex. Civ. App. 73; 35 S. W. 478) 739
- Thaler *v.* West Chicago Park Com'rs (174 Ill. 211; 52 N. E. 116) 2452
- Thatcher *v.* Adams Co. (19 Neb. 485; 27 N. W. 729) 2648
- *v.* England (3 C. B. 254) 552
- Thaxter *v.* Turner (17 R. I. 799; 24 Atl. 829) 1720
- Thayer *v.* Boston (19 Pick. [Mass.] 511; 31 Am. Dec. 157) 512, 1710, 1711, 1999, 2869, 2874, 2876, 2882, 2902, 2913, 2914, 3037
- *v.* Flint & P. M. R. Co. (93 Mich. 150; 53 N. W. 216) 2080
- *v.* Montgomery Co. (3 Dillon C. C. R. 389) 1354, 1355
- *v.* Rochester City R. Co. (15 Abb. N. Cas. [N. Y.] 52) 2024
- Thayer *v.* Stearns (1 Pick. [Mass.] 109) 870
- *v.* Tyler (5 Allen [Mass.] 95) 742
- Theis *v.* Spokane Falls Gas Light Co. (49 Wash. 477; 95 Pac. 1074) 2145
- *v.* Washita County (9 Okla. 643; 60 Pac. 505) 1306
- Theisen *v.* McDavid (34 Fla. 440; 16 So. 321; 26 L. R. A. 234) 972
- Theiss *v.* Hunter (4 Idaho, 788; 45 Pac. 2) 411
- Theissen *v.* Belle Plaine (81 Iowa, 118) 3020
- Theobald *v.* Louisville, N. O. & T. R. Co. (66 Miss. 279; 6 So. 230; 4 L. R. A. 735; 14 Am. St. Rep. 564) 1767, 1932, 1993, 1995, 2013
- Theresa Drainage Dist., *In re* (90 Wis. 301; 63 N. W. 288) 2553
- Thetford Case (12 Vin. Abr. 90) 988
- Thibodeaux *v.* Maggiolo (4 La. An. 73) 1897
- *v.* State (69 Miss. 683; 13 So. 352) 2383, 2479
- Thicknesse *v.* Lancaster Canal Co. (4 M. & W. 472) 588
- Thilemann *v.* New York (66 N. Y. App. Div. 455; 73 N. Y. Supp. 352) 1226, 1241
- Thillman *v.* Baltimore (111 Md. 131; 73 Atl. 722) 3057
- Third Ave. R. Co., Matter of (121 N. Y. 536; 24 N. E. 951; 9 L. R. A. 124, rev'g 56 Hun [N. Y.] 537; 9 N. Y. Supp. 833) 1943, 1980
- Third Av. R. Co. *v.* New York (54 N. Y. 159) 991, 2753, 2754
- Third, etc. Avenues, *In re* (49 Wash. 109; 94 Pac. 1075; 95 Pac. 862) 2593
- Third Nat. Bank *v.* Atlantic City (126 Fed. Rep. 413) 1275
- *v.* Philadelphia (126 Fed. Rep. 413) 1276
- Third Nat. Bank of Syracuse *v.* Seneca Falls (15 Fed. Rep. 783) 1420
- Third Turnpike Road *v.* Champney (2 N. H. 199) 774
- Thirteenth & F. Sts. P. R. Co. *v.* Broad St. R. T. Co. (219 Pa. 10; 67 Atl. 901) 1990, 1991, 2729
- Thirty-fourth St. R. Co., Matter of (102 N. Y. 343; 7 N. E. 172) 1949
- Thirty-second Street, *In re* (19 Wend. [N. Y.] 128) 1717
- Thom *v.* Los Angeles County (136 Cal. 375; 69 Pac. 18) 325
- Thomas, *Ex parte* (71 Cal. 204; 12 Pac. 53) 2324
- *v.* Ashland (12 Ohio St. 124) 104, 129, 557, 676, 1133



[References are to pages]

- Thomas v. Brooklyn (58 Iowa, 438; 10 N. W. 849) 2984  
 — v. Burlington (69 Iowa, 140; 28 N. W. 480) 352, 378, 2830  
 — v. Clay County (5 Ind. 4) 334  
 — v. Dakin (22 Wend. [N. Y.] 9) 120  
 — v. Findlay (6 Ohio Cir. Ct. R. 241) 2895  
 — v. Gain (35 Mich. 156; 24 Am. Rep. 535) 2495, 2517, 2541, 2542, 2561, 2568, 2569, 2571, 2616, 2617  
 — v. Grafton (34 W. Va. 282; 12 S. E. 478; 26 Am. St. Rep. 924) 2882  
 — v. Grand Junction (13 Colo. App. 80; 56 Pac. 665) 1341, 1399, 2115, 2159, 2161, 2172, 2191  
 — v. Hot Springs (34 Ark. 553; 36 Am. Rep. 24) 1041  
 — v. Inter-County St. R. Co. (167 Pa. 120; 31 Atl. 476) 1945, 1990  
 — v. Leland (24 Wend. [N. Y.] 65) 216, 221, 222  
 — v. Mason (39 W. Va. 526; 20 S. E. 580; 26 L. R. A. 727) 2677  
 — v. Mt. Vernon (9 Ohio, 290) 987, 1104, 1123  
 — v. Olympia (12 Wash. 465; 41 Pac. 191) 1253, 1258  
 — v. Owens (4 Md. 189, 221) 717  
 — v. Port Hudson (27 Mich. 320) 539, 543, 1189  
 — v. Portland (40 Oreg. 50; 66 Pac. 439) 232, 2636, 2637, 2641  
 — v. Richmond (12 Wall. [U. S.] 349) 453, 544, 923, 944, 1154, 1156, 1179, 1188, 1284, 1296, 1548  
 — v. Ringwood Board (L. R. 9 Eq. 418) 1743  
 — v. St. Cloud (90 Minn. 477; 97 N. W. 125) 300  
 — v. Scotland County (3 Dillon C. C. R. 7; s. c. 94 U. S. 682) 1515, 1517  
 — v. Somerset ([Ky.], 97 S. W. 420; 7 L. R. A. N. s. 963) 2911  
 — v. West Jersey R. Co. (101 U. S. 70) 2879  
 — v. White (12 Mass. 369) 681, 682  
 — v. Wilson (20 Upper Can. Q. B. 331) 762  
 — v. Wilton (40 Ohio St. 516) 772  
 Thomason v. Ashworth (73 Cal. 73; 14 Pac. 615) 269, 447  
 — v. Carroll (132 Cal. 148; 64 Pac. 262) 2608  
 — v. Ruggles (69 Cal. 465; 11 Pac. 20) 2648  
 Thomasville v. Thomasville El. L. Co. (122 Ga. 399; 50 S. E. 169) 657  
 Thompson, *In re* (52 Ala. 98) 2651  
 —, Matter of (57 Hun [N. Y.] 419; 10 N. Y. Supp. 705) 1622  
 — v. Abbott (61 Mo. 176) 601, 624  
 — v. Alameda County (111 Cal. 553; 44 Pac. 230) 2147  
 — v. Allen County (115 U. S. 550) 596, 597, 600, 2690  
 — v. Board of Trustees (30 Ill. 99) 763  
 — v. Booneville (61 Mo. 282) 2403, 2926  
 — v. Bridgewater (7 Pick. [Mass.] 188) 2972  
 — v. Carroll (22 How. [U. S.] 422) 922, 2405  
 — v. Couch (144 Mich. 671; 108 N. W. 363) 843  
 — v. Detroit (114 Mich. 502; 72 N. W. 320) 2455, 2831  
 — v. Emporia (9 Kan. App. 740; 60 Pac. 480) 712  
 — v. Evans (49 Ill. App. 289) 772  
 — v. Floyd (2 Jones L. [N. Car.] 313) 2396  
 — v. Gibson (7 M. & W. 456) 1037  
 — v. Highland Park (187 Ill. 265; 58 N. E. 328) 1819  
 — v. Independent School Dist. (102 Iowa, 94; 70 N. W. 1093) 380, 406  
 — v. Keokuk (61 Iowa, 187; 16 N. W. 82) 1812  
 — v. Lexington (104 Ky. 165; 46 S. W. 481) 2624  
 — v. Major (58 N. H. 242) 1897  
 — v. Maloney (199 Ill. 276; 65 N. E. 236; 93 Am. St. Rep. 133) 1688, 1699, 1718, 1741  
 — v. Manhattan R. Co. (130 N. Y. 360; 29 N. E. 264) 2041  
 — v. Mecosta (127 Mich. 522; 86 N. W. 1044) 1464  
 — v. Mecosta (141 Mich. 175; 104 N. W. 694) 1476  
 — v. Mitchell (133 Iowa, 527; 110 N. W. 901) 2600, 2625  
 — v. Moran (44 Mich. 602; 7 N. W. 180) 1566  
 — v. Mount Vernon (11 Ohio St. 688) 944  
 — v. Nemeyer (59 Ohio St. 486; 52 N. E. 1024) 1584, 2129  
 — v. New York (11 N. Y. 115) 504, 513  
 — v. Nicholson (12 Rob. [La.] 326) 680  
 — v. Northeastern R. Co. (3 L. T. N. s. 618) 3015  
 — v. Ocean City R. Co. (60 N. J. L. 74; 36 Atl. 1087) 1971, 1974



[References are to pages]

- Thompson v. Ocean Grove (55 N. J. L. 507; 26 Atl. 798) 2476  
 — v. Pacific Railroad (9 Wall. [U. S.] 579) 91  
 — v. People (207 Ill. 334; 69 N. E. 842) 2454  
 — v. People (23 Wend. [N. Y.] 537, rev'g s. c. 21 Wend. [N. Y.] 235) 2745  
 — v. Perrine (103 U. S. 806; s. c. 106 U. S. 589) 1349, 1350, 1396, 1402, 1408, 1411, 1463, 1524, 1545  
 — v. Perris Irr. Dist. (116 Fed. Rep. 769) 2690, 2695  
 — v. Peru (29 Ind. 305) 525, 1344  
 — v. Pittston (59 Me. 545) 568, 579  
 — v. Schermerhorn (6 N. Y. 92; 55 Am. Dec. 385, aff'g 9 Barb. [N. Y.] 152) 461, 1646, 2404  
 — v. Searcy County (57 Fed. Rep. 1030) 1294, 1295, 1312  
 — v. Springfield Water Co. (215 Pa. 275; 64 Atl. 521) 2304  
 — v. Stickney (6 Ala. 579) 774  
 — v. Sunderland Gas Co. (L. R. 2 Ex. Div. 429) 1915  
 — v. Troup (74 Conn. 121; 49 Atl. 907) 2671  
 — v. Waters (25 Mich. 214; 12 Am. Rep. 243) 1557  
 — v. West Bay City (137 Mich. 94; 100 N. W. 280) 3014  
 — v. Wiley (46 N. J. L. 476) 2514  
 — v. Winona ([Miss.], 51 So. 129) 3049, 3050  
 Thompson Navigation Co. v. Chicago (79 Fed. Rep. 984) 1589, 2864  
 Thomson v. Boonville (62 Mo. 282) 2933  
 — v. Elton (109 Wis. 589; 85 N. W. 425) 2811  
 — v. Lee County (3 Wall. [U. S.] 327) 453, 570, 581, 597, 1396, 1404, 1408, 1413, 1524  
 — v. Lee County (70 U. S. 327) 1463  
 — v. Union Pac. R. Co. (9 Wall. [U. S.] 579) 2322  
 Thomson-Houston Electric Co. v. Newton (42 Fed. Rep. 723) 403, 2100, 2117, 2120  
 Thonney v. Rice (43 Wash. 708; 86 Pac. 713) 1689, 1690  
 Thornburg v. School District No. 3 (175 Mo. 12; 75 S. W. 81) 386, 1380, 1381, 1531, 1542  
 Thornburgh v. Tyler (16 Tex. Civ. App. 446; 43 S. W. 1054) 570, 1376  
 Thorndike v. Boston (1 Met. [Mass.] 245) 636  
 Thorndike v. Camden (82 Me. 39; 19 Atl. 95; 7 L. R. A. 463) 2312, 2313  
 Thornton v. Clinton (148 Mo. 648; 50 S. W. 295) 2386, 2503  
 — v. Grant (10 R. I. 477; 14 Am. Rep. 701) 488  
 — v. Springer (5 Tex. 587) 768  
 — v. Stevens Coal Co. (117 Ill. App. 376) 2019  
 Thortown v. Fugate (21 Ind. App. 537; 52 N. E. 763) 440, 3043  
 Thorpe v. Brumfitt (L. R. 8 Ch. App. 650) 1858, 1859  
 — v. Clanton (10 Ariz. 94; 85 Pac. 1061) 1715, 1722  
 Thorton v. Smith (1 Wash. [Va.] R. 106) 1133  
 Thousand Island Park Assoc. v. Tucker (173 N. Y. 203; 65 N. E. 975; 60 L. R. A. 786) 934, 1001  
 Thousand Island Steamboat Co. v. Visger (179 N. Y. 206; 71 N. E. 764, aff'g 86 N. Y. App. Div. 126; 83 N. Y. Supp. 325) 478, 479, 488  
 Thrall, Matter of (157 N. Y. 46, modifying 30 N. Y. App. Div. 271; 51 N. Y. Supp. 595) 2433  
 — v. Cuba (88 N. Y. App. Div. 410; 84 N. Y. Supp. 661) 2815  
 Threadgill v. Anson County (99 N. Car. 352; 6 S. E. 189) 2858  
 Thrower v. Atlanta (124 Ga. 1; 52 S. E. 76; 1 L. R. A. n. s. 382; 110 Am. St. Rep. 147) 967, 1110  
 — v. State (117 Ga. 753; 45 S. E. 126) 1110  
 Thrower's Case (1 Ventr. 208) 1696  
 Thuis v. Vincennes (35 Ind. App. 350; 73 N. E. 141) 2973  
 Thunborg v. Pueblo (18 Colo. App. 80; 70 Pac. 148) 2960  
 Thurlow v. Bogart (15 Upper Can. C. P. 1) 1793, 1794  
 Thurlow Medical Co. v. Salem (67 N. J. L. 111; 50 Atl. 475) 462  
 Thurston v. Hancock (12 Mass. 220; 7 Am. Dec. 57) 2934  
 — v. Huston (123 Iowa, 157; 98 N. W. 637) 846  
 — v. St. Joseph (51 Mo. 510; 11 Am. Rep. 463) 1757, 2926, 2935, 3039, 3049, 3052, 3055, 3056  
 Thurston County v. McIntyre (75 Neb. 335; 106 N. W. 217) 1307  
 — v. Moore (45 Neb. 12; 63 N. W. 130) 1496  
 — v. Tenino Stone Quarries (44 Wash. 351; 87 Pac. 634; 9 L. R. A. n. s. 306) 2461

[References are to pages]

- Tibbetts v. West & S. T. St. R. Co.* (153 Ill. 147; 38 N. E. 664) 1969, 2596  
*Tibbs v. Atlanta* (125 Ga. 18; 53 S. E. 811) 800, 813, 814, 822  
*Tice v. New Brunswick* (64 N. J. L. 399; 45 Atl. 781) 741  
*Tidderley's Case* (1 Sid. 14) 781  
*Tide-water Co. v. Coster* (18 N. J. Eq. 518, aff'g 18 N. J. Eq. 55; 90 Am. Dec. 634) 1641, 2495, 2498, 2506, 2530, 2565, 2570  
*Tide-Water Pipe Co. v. State Assessors* (57 N. J. L. 516; 31 Atl. 220, aff'd 59 N. J. L. 269; 39 Atl. 1114) 2354  
*Tie Loy, In re* (26 Fed. Rep. 611) 926  
*Tierman v. Rinker* (102 U. S. 123) 2351  
*Tierney v. Brown* (65 Miss. 563; 5 So. 104; 7 Am. St. Rep. 679) 870  
— *v. Dodge* (9 Minn. 166) 129, 447, 1118, 1125, 1130, 1135, 2793  
*Tiers v. New York* (74 Hun [N. Y.] 452; 26 N. Y. Supp. 688) 2960, 2965, 3020  
*Tiffany, Matter of* (179 N. Y. 455; 72 N. E. 512, aff'g 88 N. Y. App. Div. 620; 84 N. Y. Supp. 1148) 712, 803  
— *v. United States Illuminating Co.* (51 N. Y. Super. Ct. 280, aff'g 67 How. Pr. [N. Y.] 73) 1914  
*Tiffin v. Griffith* (74 Ohio, 219; 77 N. E. 1075) 344  
— *v. McCormick* (34 Ohio St. 638; 32 Am. Rep. 408) 3028  
— *v. Shawhan* (43 Ohio St. 178; 1 N. E. 581) 1597  
*Tift v. Buffalo* (82 N. Y. 204) 232, 1562, 2636  
— *v. Buffalo* (25 N. Y. App. Div. 376; 49 N. Y. Supp. 489, aff'd 164 N. Y. 605; 58 N. E. 1093) 1212, 2451  
— *v. Buffalo* (65 Barb. [N. Y.] 460) 2773  
*Tiger v. Morris Common Pleas* (42 N. J. L. 631) 296  
*Tilson v. Newman* (23 Vt. 421) 628  
*Tilford v. Belknap* (126 Ky. 244; 103 S. W. 289; 11 L. R. A. n. s. 708) 1105  
— *v. New York* (1 N. Y. App. Div. 199; 37 N. Y. Supp. 185) 2869  
— *v. Olathe* (44 Kan. 721; 25 Pac. 223) 615  
*Tillamook Water Co. v. Tillamook* (150 Fed. Rep. 117, aff'g 139 Fed. Rep. 405) 2160  
*Tilley v. Savannah, F. & W. R. Co.* (5 Fed. Rep. 641) 2226  
*Tillinghast v. Merrill* (151 N. Y. 135; 45 N. E. 375; 34 L. R. A. 678; 56 Am. St. Rep. 612, aff'd 77 Hun [N. Y.] 481; 28 N. Y. Supp. 1089) 764  
*Tillman v. People* (12 Mich. 401) 1742, 1743  
*Tillmes v. Marsh* (67 Pa. St. 512) 1795  
*Tillson v. Putnam County* (19 Ohio, 415) 2680  
— *v. United States* (100 U. S. 43) 1317  
*Tilly v. Mitchell & L. Co.* (121 Wis. 1; 98 N. W. 969; 105 Am. St. Rep. 1007) 1791, 1838, 1839, 1868  
*Tillyer v. Mindermann* (70 N. J. L. 512; 57 Atl. 329) 2740  
*Tilton v. New Orleans City R. Co.* (35 La. An. 1062) 1933  
— *v. Sanbornton* (55 N. H. 610) 628  
*Tilzie v. Haye* (8 Wash. 187; 35 Pac. 583) 1746  
*Times v. State* (26 Ala. 165) 1133  
*Times Printing Co. v. Seattle* (25 Wash. 149; 64 Pac. 540) 1158  
*Times Publishing Co. v. Everett* (9 Wash. 518; 37 Pac. 695; 43 Am. St. Rep. 865) 1197, 1223, 1224, 2768, 2783  
— *v. Weatherby* (139 Cal. 618; 73 Pac. 465) 1169  
*Timothy v. Simpson* (1 C. M. & R. 757) 676  
*Timpson v. Mayor* (5 N. Y. App. Div. 424; 39 N. Y. Supp. 248) 490, 501  
*Tims v. Newark* (25 N. J. L. 399) 2537  
*Timson, In re* (L. R. 5 Ex. 257) 676  
*Tindley v. Salem* (137 Mass. 171) 2861, 2863, 2868, 2918, 2950, 2955, 2980  
*Tinges v. Baltimore* (51 Md. 600) 1705, 1709, 1716  
*Tingue v. Port Chester* (101 N. Y. 294; 4 N. E. 625) 1220  
*Tinicum Fishing Co. v. Carter* (61 Pa. St. 21; 100 Am. Dec. 597) 494  
*Tinkel v. Griffin* (26 Mont. 426; 68 Pac. 859) 430, 431, 655, 656, 662  
*Tinker v. New York, O. & W. R. Co.* (157 N. Y. 312; 51 N. E. 1031, aff'g 92 Hun [N. Y.] 269; 36 N. Y. Supp. 672) 1861  
*Tinkham v. Tapscott* (17 N. Y. 144) 1081  
*Tinsley v. Kirby* (17 S. Car. 1) 681, 843  
*Tinsman, In re* (95 Fed. Rep. 648) 2326  
— *v. Railroad Co.* (26 N. J. L. 148; 49 Am. Dec. 565) 143, 144  
*Tippecanoe County v. Cox* (6 Ind. 403) 587, 593, 597, 1180, 1306  
— *v. Lucas* (93 U. S. 108) 178

## TABLE OF CASES CITED

451

[References are to pages]

Tippecanoe County v. Reynolds (44 Ind. 509)	1141	Todd v. Perry (20 Up. Can. Q. B. 649)	684
Tipping v. St. Helen's Smelting Co. (4 B. & S. 608, aff'd 11 H. L. C. 642)	1036	— v. Pittsburg, Ft. W. & C. R. Co. (19 Ohio St. 514)	1703, 1756
Tipton v. Jones (77 Ind. 307)	1253	— v. Troy (61 N. Y. 506)	2968, 2975, 3000, 3013
— v. Norman (72 Mo. 380)	895, 949, 988, 2460	Todd County v. St. Paul, M. & M. R. Co. (38 Minn. 163; 36 N. W. 109)	2445
— v. Rogers Loc. Works (103 U. S. 523)	1349	Tolan v. Lansing (38 Mich. 315)	2867
Tisbury v. Vineyard Haven Water Co. (193 Mass. 196; 79 N. E. 256)	2192	Toledo v. Center (16 Ohio Cir. Ct. R. 308)	3000, 3019
— v. West Tisbury (171 Mass. 201; 50 N. E. 522)	629	— v. Converse (21 Ohio Cir. Ct. 239)	1709
Tisdale v. Minnonk (46 Ill. 9)	984	— v. Lewis (17 Ohio Cir. Ct. 588)	3045, 3049
— v. Norton (8 Met. [Mass.] 388)	2973, 2974	— v. Nitz (23 Ohio Cir. Ct. R. 350)	2975, 3013
Tise v. Whitaker-Harvey Co. (146 N. Car. 375; 59 S. E. 1012)	1706	— v. Sheill (53 Ohio St. 447; 42 N. E. 323)	2530
Tissot v. Great Southern Tel. Co. (39 La. An. 996; 3 So. 261; 4 Am. St. Rep. 248)	1098	— v. Toledo Board of Education (48 Ohio St. 83; 26 N. E. 403)	2577
Title Guarantee & Trust Co. v. Chicago (162 Ill. 505; 44 N. E. 832)	2616, 2620	— v. Western Union Tel. Co. (107 Fed. Rep. 10; 52 L. R. A. 730, aff'g 103 Fed. Rep. 746)	1924, 1926, 1927
Titler v. Iowa County (48 Iowa, 90)	2857	Toledo & W. R. Co. v. Lafayette (22 Ind. 262)	2423
Titus v. Boston (149 Mass. 164; 21 N. E. 310)	1817	Toledo Commercial Co. v. Glen Mfg. Co. (55 Ohio St. 217; 45 N. E. 197)	2327
— v. Northbridge (97 Mass. 258; 93 Am. Dec. 91)	2990	Toledo Con. St. R. Co. v. Sweeney (8 Ohio Cir. Ct. R. 298)	3034
Titusville Iron Works v. Keystone Oil Co. (122 Pa. 627; 15 Atl. 917; 1 L. R. A. 361)	148	— v. Toledo Elect. St. R. Co. (50 Ohio St. 603; 36 N. E. 312)	1956
Toal v. New York (34 N. Y. Misc. 18; 69 N. Y. Supp. 454)	2831, 2834	Toledo Northern Bank v. Porter Tp. (110 U. S. 608)	1420, 1461, 1462, 1465, 1480
Tobacco Pipe Makers Co. v. Wood- roffe (7 Barn. & C. 838)	985	Toledo, P. & W. R. Co. v. Chenoa (43 Ill. 209)	443, 1847, 2068
Tobey v. Hudson (2 N. Y. Supp. 180)	3003	— v. Deacon (63 Ill. 91)	1090, 1091
— v. Wareham (2 Allen [Mass.] 594)	830	Toledo, W. & W. R. Co. v. Jack- sonville (67 Ill. 37; 16 Am. Rep. 611)	2068
Tobin, Matter of (164 N. Y. 532; 58 N. E. 650, aff'g 53 N. Y. App. Div. 453; 66 N. Y. Supp. 97)	756	Tolerton & S. Co. v. Barck (84 Minn. 497; 88 N. W. 19)	2353
— (64 N. Y. App. Div. 375; 72 N. Y. Supp. 184)	759	Tolland v. Willington (26 Conn. 578)	1832, 1833, 2964
Toby v. Haggerty (23 Ark. 370)	2407	Tollefson v. Ottawa (228 Ill. 134; 81 N. E. 823; s. c. 129 Ill. App. 139; 11 L. R. A. n. s. 990)	2880, 2883, 2896
Tod v. Crisman (123 Iowa, 693; 99 N. W. 686)	880	Tolman v. Marlborough (3 N. H. 57)	2877
Todd v. Atchison (9 Kan. App. 251; 59 Pac. 676)	2378, 2502, 2573	Tomlin v. Cape May (63 N. J. L. 429; 44 Atl. 209)	951, 952, 955, 962, 988, 1079, 1080
— v. Birdsall (1 Cow. [N. Y.] 260; 13 Am. Dec. 522)	762, 763	— v. Dubuque, B. & M. R. Co. (32 Iowa, 106; 7 Am. Rep. 176)	484, 495
— v. Crete (79 Neb. 671; 113 N. W. 172)	2135, 2911	— v. Hildreth (65 N. J. L. 438; 47 Atl. 649)	2868, 2880
— v. Dunlap (99 Ky. 449; 36 S. W. 541)	792, 799, 809		
— v. Laurens (48 S. Car. 395; 26 S. E. 682)	348, 405		

[References are to pages]

- Tomlinson *v.* Branch (15 Wall. [U. S.] 460) 2444  
 — *v.* Indianapolis (144 Ind. 142; 43 N. E. 9; 36 L. R. A. 413) 964, 1850, 1854  
 — *v.* Jessup (15 Wall. [U. S.] 454) 2450  
 Tompert *v.* Lithgow (1 Bush [Ky.] 176) 651, 808, 810, 811  
 Tompkins *v.* Norwood (18 Ohio Cir. Ct. Rep. 883) 2530  
 — *v.* Pallas (47 N. Y. Misc. 309; 95 N. Y. Supp. 875) 1057  
 Toms *v.* Whitby (35 Up. Can. Q. B. 195; 37 Up. Can. Q. B. 100) 2964, 2971  
 Tonawanda *v.* Lyon (181 U. S. 389, rev'g 98 Fed. Rep. 361) 2502, 2521, 2524  
 — *v.* Price (171 N. Y. 415; 64 N. E. 191) 2609  
 Tonawanda R. Co. *v.* Munger (5 Denio [N. Y.] 255; 49 Am. Dec. 239) 3000  
 Tone *v.* Columbus (39 Ohio St. 281; 48 Am. Rep. 438) 1196, 2601, 2603, 2604, 2606  
 — *v.* New York (70 N. Y. 157) 1249, 1259, 2881  
 — *v.* Shankland (110 Iowa, 525; 81 N. W. 789) 470, 471  
 Toney *v.* Macon (119 Ga. 83; 46 S. E. 80) 618, 925  
 Toomey *v.* Bridgeport (79 Conn. 229; 64 Atl. 215) 1178  
 — *v.* London, B. & S. C. Ry. Co. (3 C. B. N. s. 146) 2969  
 Topeka *v.* Boutwell (53 Kan. 20; 35 Pac. 819; 27 L. R. A. 593) 961, 2460  
 — *v.* Cook (72 Kan. 595; 84 Pac. 376) 2975  
 — *v.* Gage (44 Kan. 87; 24 Pac. 82) 2599  
 — *v.* Gillett (32 Kan. 431; 4 Pac. 800) 98  
 — *v.* Jones (74 Kan. 164; 86 Pac. 162; 87 Pac. 1133) 2378  
 — *v.* Kersch (70 Kan. 840; 79 Pac. 681; 80 Pac. 29) 1133  
 — *v.* Myers (34 Kan. 500; 8 Pac. 726) 1013  
 — *v.* Raynor (61 Kan. 10; 58 Pac. 557) 133, 908, 1013  
 — *v.* Topeka Water Co. (58 Kan. 349; 49 Pac. 79) 2180, 2182, 2183  
 — *v.* Tuttle (5 Kan. 425) 2993  
 Topeka Bd. of Education *v.* State (64 Kan. 6; 67 Pac. 559) 627  
 Topeka Water Co. *v.* Whiting (58 Kan. 639; 50 Pac. 877) 3000  
 Topliff *v.* Chicago (196 Ill. 215; 63 N. E. 692) 1807, 1820, 2453  
 Topping *v.* Gray (7 Hill [N. Y.] 259) 838  
 Topsham *v.* Rogers (42 Vt. 199) 1191  
 Torbush *v.* Norwich (38 Conn. 225; 9 Am. Rep. 395) 2301, 2303, 2893  
 Torge *v.* Salamanca (176 N. Y. 324; 68 N. E. 626, rev'g 86 N. Y. App. Div. 211; 83 N. Y. Supp. 672) 1821, 1822, 1823  
 Toronto *v.* Bowes (4 Grant [Can.] 489, aff'd 6 Grant [Can.] 1) 1140, 1142, 1150, 2761  
 — *v.* Virgo (App. Cas. [1896] 88) 1001  
 Toronto Street R. Co. *v.* Dollery (12 Ont. App. 679) 1089, 1090  
 Torpedo Co. *v.* Clerendon (19 Fed. Rep. 231) 2754  
 Torphy *v.* Fall River (188 Mass. 310; 74 N. E. 465) 2962, 2965, 3018  
 Torrent *v.* Muskegon (47 Mich. 115; 10 N. W. 132) 450, 458, 553  
 Torrey *v.* Milbury (21 Pick. [Mass.] 64) 76, 832  
 Totten *v.* Halligan (13 Upper Can. C. P. 567) 1793  
 Totterdell *v.* Glazby (2 Wils. 266) 983  
 Touchard *v.* Touchard (5 Cal. 306) 183  
 Toung *v.* Clarendon Township (132 U. S. 340) 1375  
 Tounier *v.* Municipality (5 La. An. 298) 1248  
 Tousley *v.* Galena Min. & Smelting Co. (24 Kan. 328) 1691  
 Tower *v.* Rutland (56 Vt. 28) 1728  
 — *v.* Tower (18 Pick. [Mass.] 262) 1100  
 — *v.* Tower & S. St. R. Co. (68 Minn. 500; 71 N. W. 691; 64 Am. St. Rep. 493) 1960  
 Towle *v.* Brown (110 Ind. 65; 10 N. E. 626) 626  
 — *v.* Remsen (70 N. Y. 303) 475  
 — *v.* State (3 Fla. 202) 2660  
 Towles *v.* Chatham Co. Inf. Ct. Jus. (14 Ga. 391) 1833  
 Town *v.* Blackberry (29 Ill. 137) 1631  
 Towns *v.* Tallahassee (11 Fla. 130) 1010  
 Townsend, *In re* (39 N. Y. 174) 1641  
 — *v.* Atlantic City (72 N. J. L. 474; 65 Atl. 509) 1197  
 — *v.* Bishop (61 N. Y. App. Div. 18; 70 N. Y. Supp. 201) 1899  
 — *v.* Boston (187 Mass. 283; 72 N. E. 991) 2136  
 — *v.* Boughner (55 N. J. L. 380; 26 Atl. 808) 713  
 — *v.* Cleveland Fire Proofing Co. (18 Ind. App. 568; 47 N. E. 707) 1588  
 — *v.* Des Moines (42 Iowa, 657) 3021  
 — *v.* Epstein (93 Md. 537; 49 Atl. 629; 52 L. R. A. 409; 86 Am. St. Rep. 441) 1839, 1868, 1883

## TABLE OF CASES CITED

453

[References are to pages]

- Townsend *v.* Everett (4 Ala. 607) 683  
 — *v.* Hoyle (20 Conn. 1) 924, 1183, 1643, 1802  
 — *v.* Jersey City (26 N. J. L. 444) 2611  
 — *v.* Kurtz (83 Md. 331; 34 Atl. 1123) 791, 792  
 — *v.* Manistee (88 Mich. 408; 50 N. W. 321) 2641  
 — *v.* Sauk Centre (71 Minn. 379; 74 N. W. 150) 799, 815  
 — *v.* State (147 Ind. 624; 47 N. E. 19; 37 L. R. A. 294; 62 Am. St. Rep. 477) 2109  
 Township of Ninety Six *v.* Folsom (87 Fed. Rep. 304) 1461  
 Tracey, *Ex parte* ([Tex. Crim. Rep.], 93 S. W. 538) 165, 176  
 — *v.* People (6 Colo. 151) 873, 893, 914  
 Tracy *v.* Hornbuckle (8 Bush [Ky.] 336) 742  
 — *v.* State (3 Mo. 3) 2323  
 — *v.* Swartout (10 Pet. [U. S.] 80) 776  
 Trafton *v.* Alfred (15 Me. 258) 762  
 Trainer *v.* Wolfe (140 Pa. 279; 21 Atl. 391) 1142, 1147, 1148, 1149  
 Trainor *v.* Wayne County Auditors (89 Mich. 162; 50 N. W. 809; 15 L. R. A. 95) 785  
 Trammell *v.* Russellville (34 Ark. 105; 36 Am. Rep. 1) 2838, 2873  
 Transportation Co. *v.* Parkersburg (107 U. S. 691) 475, 513, 2788  
 Transue *v.* Sell (105 Pa. 604) 1716, 1719, 1738  
 Tranter *v.* Sacramento (61 Cal. 271) 2853, 3011  
 Traphagen *v.* Jersey City (29 N. J. Eq. 206, aff'd 29 N. J. Eq. 650) 1815, 1826, 2790  
 Trapp *v.* Newport (115 Ky. 840; 74 S. W. 1109) 1223, 1224  
 Trask, Matter of (81 N. Y. App. Div. 318; 81 N. Y. Supp. 53) 639, 640  
 — *v.* Maguire (18 Wall. [U. S.] 206) 2443, 2449  
 Travelers Ins. Co. *v.* Denver (11 Colo. 434; 18 Pac. 556) 1288, 1292, 1299, 1305  
 — *v.* Johnson City (99 Fed. Rep. 663) 1550  
 — *v.* Oswego (19 U. S. App. 321) 334  
 Traverse Beach Ass'n *v.* Elmwood Tp. (142 Mich. 78; 105 N. W. 30) 2830  
 Traverse City Gas Co. *v.* Traverse City (130 Mich. 17; 89 N. W. 574) 1953, 1956, 2061  
 Travis *v.* Ward (2 Wash. 30; 25 Pac. 908) 2604  
 Traynor *v.* Beckham (116 Ky. 13; 74 S. W. 1105; 76 S. W. 844) 667  
 Treadway *v.* Schnauber (1 Dak. Ter. 236; 46 N. W. 464) 1155  
 Treadwell *v.* Hancock County (11 Ohio St. 190) 65, 1436, 1439, 1537, 2857  
 — *v.* New York (1 Daly [N. Y.] 123) 2889, 2909, 2914  
 Treanor *v.* Eichhorn (74 Hun [N. Y.] 58; 26 N. Y. Supp. 314) 303, 310  
 — *v.* Houghton (103 Cal. 53; 36 Pac. 1081) 1171  
 Treat *v.* Chicago (125 Fed. Rep. 644; s. c. 130 Fed. Rep. 443) 2625  
 — *v.* Middletown (8 Conn. 243) 2648, 2661  
 — *v.* People (195 Ill. 196; 62 N. E. 891) 1217  
 Trego *v.* Honeybrook (160 Pa. 76; 28 Atl. 639) 3022  
 Treise *v.* St. Paul (36 Minn. 526; 32 N. W. 857) 2991  
 Tremaine, The Kate (5 Ben. 60) 504  
 Tremblay *v.* Harmony Mills (171 N. Y. 598; 64 N. E. 501) 3029  
 Trent & Frankfort Road Co. *v.* Marshall (10 Upper Can. C. P. 336) 609  
 Trenton *v.* Clayton (50 Mo. App. 535) 935  
 — *v.* Coyle (107 Mo. 193; 17 S. W. 643) 897  
 — *v.* Devorss (70 Mo. App. 8) 121, 440  
 — *v.* Humel (134 Mo. App. 595; 119 S. W. 1131) 2444  
 — *v.* McQuade (52 N. J. Eq. 669; 29 Atl. 354) 1820  
 — *v.* Shaw (49 N. J. L. 638; 10 Atl. 273) 1197  
 Trenton & N. B. Turnp. Co. *v.* Am. & E. News Co. (43 N. J. L. 381) 1928  
 Trenton Horse R. Co. *v.* Trenton (53 N. J. L. 132; 20 Atl. 1076) 925, 928, 943, 1092  
 Trenton W. P. Co. *v.* Raff (36 N. J. L. 335) 2925  
 Trephagen *v.* South Omaha (69 Neb. 577; 96 N. W. 248; 111 Am. St. Rep. 570) 2398, 2451  
 Trerice *v.* Barteau (54 Wis. 99; 11 N. W. 244) 1723  
 Trescott *v.* Waterloo (26 Fed. Rep. 592) 2838, 2877  
 Trester *v.* Sheboygan (87 Wis. 496; 58 N. W. 747) 449, 1192  
 Tribune Ptg. & Binding Co. *v.* Barnes (7 N. Dak. 591; 75 N. W. 904) 2647  
 Triebel *v.* Colburn (64 Ill. 376) 470



[References are to pages]

- Trigally *v.* Memphis (6 Coldw. [Tenn.] 382) 901, 952, 1133  
 Trigg *v.* Glasgow (2 Bush [Ky.] 594) 2407  
 Trimble *v.* Chicago (168 Ill. 567; 48 N. E. 416) 2453  
 — *v.* People (19 Colo. 187; 34 Pac. 981; 41 Am. St. Rep. 236) 794  
 Trimmer *v.* Bomar (20 So. Car. 354) 644  
 Trine *v.* People (36 Colo. 473; 86 Pac. 100) 1290  
 — *v.* Pueblo (21 Colo. 102; 39 Pac. 330) 1743, 1744  
 Trinity Church *v.* Boston (118 Mass. 164) 2446  
 Tripp *v.* Lyman (37 Me. 250) 2968, 3021  
 — *v.* Merch. Mut. F. Ins. Co. (12 R. I. 435) 2424  
 — *v.* Yankton (10 S. Dak. 516; 74 N. W. 447; s. c. 11 S. Dak. 353; 77 N. W. 580) 2365, 2529  
 Trippe *v.* Frazier (4 Har. & Johns. [Md.] 446) 1575  
 Tritz *v.* Kansas City (84 Mo. 632) 2838, 2857, 2991, 2998  
 Trojan R. Co. *v.* Troy (125 N. Y. App. Div. 362; 109 N. Y. Supp. 779) 1974  
 Trost *v.* Casselton (8 N. Dak. 534; 79 N. W. 1071) 2820  
 Trott *v.* Warren (11 Me. 227) 1191  
 Troutman *v.* McClesky (7 Tex. Civ. App. 561; 27 S. W. 173) 121  
 Trowbridge *v.* Albany (7 Hill. [N. Y.] 429) 513  
 — *v.* Newark (46 N. J. L. 140) 666, 677, 857  
 — *v.* New York (24 N. Y. Misc. 517; 53 N. Y. Supp. 616) 1399  
 Troy *v.* Atchison & N. R. Co. (13 Kan. 70, s. c. 11 Kan. 519) 883, 905  
 — *v.* Cheshire R. Co. (23 N. H. 83; 55 Am. Dec. 177) 1834, 1848  
 — *v.* Harris (102 Mo. App. 51; 76 S. W. 662) 2385, 2472  
 — *v.* Mutual Bank (20 N. Y. 387) 2458  
 — *v.* Troy & L. R. Co. (49 N. Y. 657) 3023, 3033  
 Troy & L. R. Co. *v.* Kane (9 Hun [N. Y.] 506, aff'd on other grounds 72 N. Y. 614) 2592  
 Troy Laundry etc. Co. *v.* Denver (11 Colo. App. 368; 53 Pac. 256) 472, 742  
 Troy Press Co., Matter of (187 N. Y. 279; 79 N. E. 1006) 319  
 Troy Press Co., *In re* (94 N. Y. App. Div. 514; 88 N. Y. Supp. 115, aff'd 179 N. Y. 529; 71 N. E. 1141) 2657, 2658  
 Troy Water Co. *v.* Troy (200 Pa. 453; 50 Atl. 259) 2170  
 Truax *v.* Pool (46 Iowa, 256) 621  
 Truchelut *v.* Charleston (1 Nott & McC. [S. Car.] 227) 232, 948, 984, 1133  
 True *v.* Davis (133 Ill. 522; 22 N. E. 410; 6 L. R. A. 266) 143, 265, 345  
 — *v.* Melvin (43 N. H. 503) 2706  
 Truehart *v.* Addicks (2 Tex. 217) 644  
 Truelsen *v.* Duluth (61 Minn. 48; 63 N. W. 714) 1382  
 Truesdale *v.* Peoria Grape Sugar Co. (101 Ill. 561) 1999  
 — *v.* Rochester (33 Hun [N. Y.] 574) 912  
 Truman *v.* San Francisco Supervisors (110 Cal. 128; 42 Pac. 421) 835  
 Trumbull *v.* Palmer (104 N. Y. App. Div. 51; 93 N. Y. Supp. 349) 2777  
 — *v.* White (5 Hill. [N. Y.] 46) 2404  
 Trumpler *v.* Bemerly (39 Cal. 490) 1646  
 Trustees *v.* Parks (10 Me. 441) 119  
 — *v.* Tatman (13 Ill. 30) 144, 147  
 Trustees of Exempt Firemen's Fund *v.* Roome (93 N. Y. 313; 45 Am. Rep. 217) 748, 750  
 Trustees of Firemen's Pension Fund *v.* McCrory (132 Ky. 89; 116 S. W. Rep. 326) 2657  
 Trustees of Public Schools *v.* Trenton (30 N. J. Eq. 667) 2432, 2433  
 Trustees of Schools *v.* Douglas (17 Ill. 209) 66  
 Trutt *v.* Spotts (87 Pa. 339) 1738  
 Tscheider *v.* Biddle (4 Dill. C. C. R. 55) 2194  
 Tubbesing *v.* Burlington (68 Iowa, 691; 24 N. W. 514; 28 N. W. 19) 2429, 2430  
 Tubesing *v.* Buffalo (51 N. Y. App. Div. 14; 64 N. Y. Supp. 399) 2985  
 Tuckahoe Canal Co. *v.* Railroad Co. (11 Leigh [Va.] 42; 36 Am. Dec. 374) 1010  
 Tucker *v.* Aiken (7 N. H. 113) 832  
 — *v.* Barnum (144 Cal. 266; 77 Pac. 919) 327  
 — *v.* Eldred (6 R. I. 404) 1817  
 — *v.* Ferguson (22 Wall. [U. S.] 527) 2322, 2445, 2448  
 — *v.* Iredell County Justices (3 Ired. Law [N. Car.] 434) 1317  
 — *v.* Justices (13 Ire. [N. Car.] Law, 434) 871  
 — *v.* Hennecker (41 N. H. 317) 2971  
 — *v.* Moultrie (122 Ga. 160; 50 S. E. 61) 1015  
 — *v.* Newark (19 Ohio Cir. Ct. 1) 1209, 1212



## TABLE OF CASES CITED

455

[References are to pages]

- Tucker v. Randolph (75 N. Car. 267) 427, 1347  
 — v. Rochester (7 Wend. [N.Y.] 254) 2877  
 — v. Sellers (130 Ind. 514; 30 N. E. 531) 2607  
 — v. Tower (9 Pick. [Mass.] 109; 19 Am. Dec. 350) 1817  
 — v. Virginia City (4 Nev. 20) 560, 1031  
 Tudor v. Chicago & S. S. R. T. R. Co. (154 Ill. 129; 39 N. E. 136) 902  
 Tuff v. Warman (2 C. B. N. s. 740; s. c. 5 C. B. N. s. 573) 2971  
 Tufts v. Charlestown (98 Mass. 583) 2608, 2609  
 Tuggles v. Commonwealth ([Ky.] 100 S. W. 235) 908  
 Tugman v. Chicago (78 Ill. 405) 925, 930, 932, 1031  
 Tukey v. Omaha (54 Neb. 370; 74 N. W. 613; 69 Am. St. Rep. 711) 2763, 2767, 2768, 2781  
 Tulare v. Hevren (126 Cal. 226; 58 Pac. 530) 979, 980  
 Tulare County v. May (118 Cal. 303; 50 Pac. 427) 2394  
 Tulare Irr. Dist. v. Collins (154 Cal. 440; 97 Pac. 1124) 2578  
 — v. Shepard (185 U. S. 1) 121, 122, 1368, 1369, 1461, 1466, 1471, 1487, 1491  
 Tuley v. State (1 Ind. 500) 719, 720  
 Tull v. Royston (30 Kan. 617; 2 Pac. 866) 2378, 2502  
 Tuller v. Detroit (126 Mich. 606; 85 N. W. 1080) 2602  
 Tulloss v. Sedan (31 Kan. 165; 1 Pac. 285) 995  
 Tumwater v. Hardt (28 Wash. 684; 69 Pac. 378) 681  
 — v. Pix (15 Wash. 324; 46 Pac. 388) 2609  
 — v. Pix (18 Wash. 153; 51 Pac. 353) 2637  
 Tunbridge Wells v. Baird ([1896] App. Cas. 434; aff'g [1894] 2 Q. B. 867) 1692  
 Tunica County v. Rhodes (85 Miss. 500; 37 So. 1005) 1288  
 Tuolumne County v. Stanislaus County (6 Cal. 440) 149  
 Tupelo v. Beard (56 Miss. 532) 2835  
 Tupper v. Huson (46 Wis. 646; 1 N. W. 332) 1723  
 Turl v. New York Contracting Co. (46 N. Y. Misc. 164; 93 N. Y. Supp. 1103) 1862  
 Turnbull v. Alpena School Dist. (45 Mich. 496; 8 N. W. 65) 627  
 Turner, *In re* (5 Ohio, 542) 2645, 2657  
 Turner v. Althaus (6 Neb. 54) 1632, 2425, 2832  
 Turner v. Brantford Corp. (13 Up. Can. C. P. 109) 2953  
 — v. Buchanan (82 Ind. 147; 42 Am. Rep. 485) 2977, 2978  
 — v. Burns (42 Mo. App. 94) 1902  
 — v. Chicago (76 Ill. App. 649) 735  
 — v. Clark County (67 Mo. 243) 683  
 — v. Cruzen (70 Iowa, 202; 30 N. W. 483) 1190  
 — v. Dartmouth (13 Allen [Mass.] 291) 3041  
 — v. Forsyth (78 Ga. 683; 3 S. E. 649) 2799  
 — v. Guthrie (13 Okla. 26; 73 Pac. 283) 1306  
 — v. Indianapolis (96 Ind. 51) 2882, 2895, 3012, 3013  
 — v. Mobile (135 Ala. 73; 33 So. 132) 491  
 — v. Newburgh (109 N. Y. 301; 16 N. E. 344; 4 Am. St. Rep. 453) 2990, 3015, 3023  
 — v. Omaha (6 Neb. 54) 2396  
 — v. People's Ferry Co. (21 Fed. Rep. 90) 475, 490, 1700  
 — v. Revere Water Co. (171 Mass. 329; 50 N. E. 634; 40 L. R. A. 657; 68 Am. St. Rep. 432) 2218, 2220  
 — v. Springfield (117 Mo. App. 418) 1214  
 — v. Walker (L. R. 1 Q. B. 641; s. c. L. R. 2 Q. B. 301) 552  
 — v. Wilkes County (173 U. S. 461) 1411  
 Turners Falls Fire Dist. v. Millers Falls Water Supply Dist. (189 Mass. 263; 75 N. E. 630) 2124  
 Turney v. Bridgeport (55 Conn. 412; 12 Atl. 520) 1173  
 — v. Chamberlain (15 Ill. 271) 1561, 1892  
 — v. Dougherty (53 Cal. 619) 2633, 2634  
 Turnquist v. Cass County Drain Com'rs (11 N. Dak. 514; 92 N. W. 852) 2604  
 Turpen v. Tipton County Com'rs (7 Ind. 172) 728  
 Turpin v. Burgess (117 U. S. 504) 2320  
 — v. Lemon (187 U. S. 51) 2359  
 — v. Madison County Fiscal Court (105 Ky. 226; 48 S. W. 1085) 1376, 1381  
 Turrill v. Grattan (52 Cal. 97) 2595  
 Tuscaloosa v. Holczstein (134 Ala. 636; 32 So. 1007) 2474  
 — v. Wright (2 Port. [Ala.] 230) 890  
 Tusting v. Asbury Park (73 N. J. L. 102; 62 Atl. 183) 2601  
 Tutill v. West Ham L. Bd. of H. (L. R. 8 C. P. 447) 2973

[References are to pages]

- Tuttle, *Ex parte* (91 Cal. 589; 27 Pac. 933) 1112
- Tuttle v. Brush El. Ill. Co. (50 N. Y. Super. Ct. 464) 1912
- v. Everett (51 Miss. 27; 24 Am. Rep. 622) 2827, 2831
- v. Holyoke (6 Gray [Mass.] 447) 2969, 2970
- v. Polk (84 Iowa, 12; 50 N. W. 38) 2636, 2640
- v. Polk (92 Iowa, 433; 60 N. W. 733) 232, 233, 280, 284, 333, 347, 357, 368
- v. State (4 Conn. 68) 1106
- v. Winchester (50 Conn. 496) 2820
- Twenty-ninth Street, *In re* (1 Hill [N. Y.] 189) 1718, 1721
- Twin-Lick Oil Co. v. Marbury (91 U. S. 587) 1141, 1145
- Twin Village Water Co. v. Damari-iscotta Gas. Light Co. (98 Me. 325; 56 Atl. 1112) 2158
- Twiss v. Port Huron (63 Mich. 528; 30 N. W. 177) 1198
- Twist v. Rochester (37 N. Y. App. Div. 307; 55 N. Y. Supp. 850, aff'd 165 N. Y. 619; 59 N. E. 1131) 2135, 2911, 2950, 2969, 3016
- Twogood v. New York (102 N. Y. 216; 6 N. E. 275) 3016
- Twyman's Adm'r v. Frankfort (117 Ky. 518; 78 S. W. 446) 2896
- Tylee v. Waterloo (6 Upper Can. Q. B. 588) 903
- Tyler, *In re* (149 U. S. 164) 2480
- Tyler v. Adams ([Tex. Civ. App.] 62 S. W. 119) 1153
- v. Boyette (43 Tex. Civ. App. 573; 96 S. W. 935) 1737
- v. Cass County (142 U. S. 288) 93
- v. Hudson (147 Mass. 609; 18 N. E. 582) 1619, 1633
- v. Jester (97 Tex. 344; 78 S. W. 1058) 2300
- v. Jester ([Tex. Civ. App.] 74 S. W. 359) 351, 357, 362, 380, 381, 423, 424, 2294
- v. Lansingburgh (76 N. Y. App. Div. 165; 78 N. Y. Supp. 433; s. c. 175 N. Y. 463; 67 N. E. 1090) 624
- v. People (66 Ill. 322) 2432
- v. Plainfield (54 N. J. L. 526; 24 Atl. 493) 282, 2139
- v. Revere (183 Mass. 98; 66 N. E. 597) 2876, 2877
- v. Sturdy (108 Mass. 196) 1696
- v. Tyler Bldg. Assoc. (99 Tex. 6, 86 S. W. 750; rev'g [Tex. Civ. App.], 82 S. W. 1066) 380, 381, 1464, 1503
- Tyler's Ex. v. Elizabethtown & P. R. Co. (9 Bush. [Ky.] 510) 1518
- Tyrone Gas & Water Co. v. Burley (19 Pa. Super. Ct. 348) 2215, 2219, — v. Tyrone (195 Pa. 566; 46 Atl. 134) 2170
- Tyrone Tp. School Directors v. Dunkleberger (6 Pa. St. 31) 1576
- Tyson v. Halifax School Directors (51 Pa. St. 9) 579
- v. Milwaukee (50 Wis. 78; 5 N. W. 914) 2928, 2931
- Udall v. Brooklyn (19 Johns. [N. Y.] 175) 613
- Uffert v. Vogt (65 N. J. L. 377; 47 Atl. 225) 297
- v. Vogt (65 N. J. L. 621; 48 Atl. 574) 668
- Uhl v. Taxing Dist. (6 Lea [Tenn.] 610) 598
- Uhlfelder v. Mount Vernon (76 N. Y. App. Div. 349; 78 N. Y. Supp. 500) 1730
- Uhrig v. St. Louis (44 Mo. 458) 2565
- Ukiah v. Ukiah Water & Imp. Co. (142 Cal. 173; 75 Pac. 773; 64 L. R. A. 231; 100 Am. St. Rep. 107) 2301, 2304, 2306
- Ulam v. Boyd (87 Pa. St. 477) 1175
- Ulbrecht v. Keokuk (124 Iowa, 1; 97 N. W. 1082) 298, 320
- Uline v. New York Cent. & H. R. R. Co. (101 N. Y. 98; 4 N. E. 536; 54 Am. Rep. 661) 2000, 2045
- Ullman v. Sandell (158 Mich. 496; 122 N. W. 1076) 2677
- Ulman v. Baltimore (72 Md. 587; 20 Atl. 141; 21 Atl. 709); 11 L. R. A. 224) 2363
- v. Charles St. Ave. Co. (83 Md. 130; 34 Atl. 366) 1897
- Ulrich v. St. Louis (112 Mo. 138; 20 S. W. 466) 182, 2863, 2884, 2886, 2916
- Umbria Street (32 Pa. Super. Ct. 333) 1840
- Uncas National Bank v. Superior (115 Wis. 340; 91 N. W. 1004) 1362, 1391
- Underground R. Co. v. New York City (193 U. S. 416; aff'g 116 Fed. Rep. 952) 1942, 1985
- Underhill v. Calhoun (63 Ala. 216) 468, 469
- v. Manchester (45 N. H. 214) 2850
- v. Smith (Chip [Vt.] 81) 2485
- v. Sonora (17 Cal. 172) 1325
- v. Washington (46 Vt. 767) 2820
- Underwood v. Bailey (59 N. H. 480) 1631

## TABLE OF CASES CITED

457

[References are to pages]

Underwood <i>v.</i> Brockman (4 Dana [Ky.] 309; 29 Am. Dec. 407) 2834	Union Pac. R. Co. <i>v.</i> Colfax County (4 Neb. 450) 1354
— <i>v.</i> Carney (1 Cush. [Mass.] 285) 1882	— <i>v.</i> Davis County (6 Kan. 256) 195, 1512, 2711
— <i>v.</i> Green (42 N. Y. 140) 1029, 1038	— <i>v.</i> Dodge County (98 U. S. 541) 2828, 2830, 2832, 2835, 2836
— <i>v.</i> Newport Lyceum (5 B. Mon. [Ky.] 130; 41 Am. Dec. 260) 1188	— <i>v.</i> Hall (91 U. S. 343; s. c. 3 Dillon, 515) 2708, 2709
— <i>v.</i> Stuyvesant (19 Johns. [N. Y.] 186; 10 Am. Dec. 215) 1717	— <i>v.</i> Kansas City (73 Kan. 571; 85 Pac. 603) 2599
Union <i>v.</i> Crawford (19 Conn. 331) 2855	— <i>v.</i> Kindred (43 Kan. 134; 23 Pac. 112) 1614
Union & Planters' Bank <i>v.</i> Mem- phis (107 Tenn. 66; 64 S. W. 13) 2831, 2834	— <i>v.</i> Lincoln County (1 Dillon, C. C. R. 314) 2322
Union Bank <i>v.</i> Oxford (90 Fed. Rep. 7) 1531	— <i>v.</i> Lincoln County (2 Dill. C. C. 297) 2765
— <i>v.</i> Oxford (116 N. Car. 339; 21 S. E. 410) 659, 1386	— <i>v.</i> Lincoln County (3 Dillon, C. C. R. 300) 1416
Union Bank of Tenn. <i>v.</i> State (9 Yerg. [Tenn.] 490) 2397	— <i>v.</i> McNally (54 Neb. 112; 74 N. W. 390) 948
Union Board of Education <i>v.</i> Union (52 N. J. L. 69; 18 Atl. 571) 2670	— <i>v.</i> McShane (22 Wall. [U. S.] 444) 2322, 2837
Union Bridge Co. <i>v.</i> United States 204 (U. S. 364) 1603, 1609	— <i>v.</i> Merrick County (3 Dillon C. C. R. 359) 1416
Union Bldg. Asso. <i>v.</i> Chicago (61 Ill. 439) 2638	— <i>v.</i> Montgomery (49 Neb. 429; 68 N. W. 619) 441, 945, 948
Union Coal Co. <i>v.</i> La Salle (34 Ill. App. 93; aff'd 136 Ill. 119; 26 N. E. 506; 12 L. R. A. 326) 1688, 1691	— <i>v.</i> Penniston (18 Wall. [U. S.] 5) 2322
Union College, Matter of (129 N. Y. 308; 29 N. E. 460) 2362, 2363, 2370	— <i>v.</i> Ryan (2 Wyo. 408; s. c. 113 U. S. 516) 452, 458
Union College <i>v.</i> New York (173 N. Y. 38; 65 N. E. 853; aff'g 65 N. Y. App. Div. 553; 73 N. Y. Supp. 51) 1562, 1566	— <i>v.</i> United States (99 U. S. 402) 2286
Union County <i>v.</i> Mason (9 Ind. 97) 1292, 1305	Union Pass. R. Co. <i>v.</i> Philadelphia (101 U. S. 528) 2419
— <i>v.</i> Peckham (16 R. I. 64; 12 Atl. 130) 1716	Union Pav. & Cont. Co. <i>v.</i> Mc- Govern (127 Cal. 638; 60 Pac. 169) 2450, 2604
Union Dist. Tp. <i>v.</i> Smith (39 Iowa, 9) 765	Union Railway Co. <i>v.</i> Cambridge (11 Allen [Mass.] 287) 1085
Union Depot Co. <i>v.</i> Brunswick (31 Minn. 297; 17 N. W. 626; 47 Am. Rep. 789) 487, 489	— <i>v.</i> Chickasaw Cooperage Co. (116 Tenn. 594; 95 S. W. 171) 509
— <i>v.</i> St. Louis (76 Mo. 393) 1192, 2810	Union Refrigerator Transit Co. <i>v.</i> Kentucky (199 U. S. 194, rev'g 118 Ky. 131; 80 S. W. 490; 81 S. W. 268) 2347, 2409, 2410, 2411, 2414, 2417, 2438, 2523
Union Depot R. Co. <i>v.</i> Southern R. Co. (105 Mo. 562; 16 S. W. 920) 1956	— <i>v.</i> Lynch (177 U. S. 149, aff'g 18 Utah, 378; 55 Pac. 639; 48 L. R. A. 790) 2314, 2347
Union Elect. T. & T. Co. <i>v.</i> Appelquist (104 Ill. App. 517) 1928	Union Savings Bank & T. Co. <i>v.</i> Dottenheim (107 Ga. 606; 34 S. E. 217) 257
Union Ferry Co., Matter of (98 N. Y. 139) 480, 1920	— <i>v.</i> Gelbach (8 Wash. 497; 36 Pac. 467; 24 L. R. A. 359) 1300, 1313, 1322
Union Nat. Bk. <i>v.</i> Matthews (98 U. S. 628) 1581	Union Sheet Metal Works <i>v.</i> Dodge (129 Cal. 390; 62 Pac. 41) 1266, 1267
— <i>v.</i> New York (51 N. Y. 638) 2827	Union Street, Pottsville (140 Pa. 525; 21 Atl. 406) 1836
Union Pac. R. Co. <i>v.</i> Abilene (78 Kan. 820; 98 Pac. 224) 2526, 2583	Union Street R. Co. <i>v.</i> Saginaw Circuit Judge (113 Mich. 694; 71 N. W. 1073) 1960, 1961
— <i>v.</i> Cheyenne (113 U. S. 516) 446, 458, 2788	

## TABLE OF CASES CITED

[References are to pages]

Union Street R. Co. <i>v.</i> Stone (54 Kan 83; 37 Pac 1012) 2969, 3034	United States <i>v.</i> Chicago (7 How. [U. S.] 185) 1634, 1687, 1703, 1715, 1722
Union Tank Line Co., <i>In re</i> (204 Ill 347; 68 N. E. 504: 98 Am St. Rep. 221) 2347	— <i>v.</i> Clark County (96 U. S. 211) 2681
Union Township <i>v.</i> Gibboney (94 Pa. St. 534) 68	— <i>v.</i> Columbus City Bank (21 How. [U. S.] 356) 1436
Union Trust Co. <i>v.</i> Wayne Probate Judge (125 Mich. 487: 84 N. W. 1101) 2470	— <i>v.</i> County Court (3 Fed. Rep. 1) 193
Uniontown <i>v.</i> Commonwealth (34 Pa. St. 293) 2662	— <i>v.</i> Des Moines Nav. & R. Co. (142 U. S. 510) 1158
— <i>v.</i> State (145 Ala. 471; 39 So. 814) 2728, 2739	— <i>v.</i> Dixon (4 Cranch C. C. 107) 1110
Unionville <i>v.</i> Martin (95 Mo. App. 28; 68 S. W. 605) 1170, 1191, 1192, 1195	— <i>v.</i> Duluth (1 Dillon C. C. 469) 475
United Brethren Church <i>v.</i> Van Dusen (37 Wis. 54) 875	— <i>v.</i> Edmunds (3 Mackey [D. C.] 142) 2652
United Lines Tel. Co. <i>v.</i> Grant (137 N. Y. 7; 32 N. E. 1005) 2069, 2072	— <i>v.</i> Elizabeth (Fed. Cas. No. 15,041a) 2402
United R. & Canal Co. <i>v.</i> Jersey City (71 N. J. L. 80; 58 Atl. 71) 1770	— <i>v.</i> Fanning (Morris [Iowa] 348) 519
United R. & E. Co. <i>v.</i> Baltimore (111 Md. 264; 73 Atl. 633) 2422	— <i>v.</i> Ferriera (13 How. [U. S.] 40) 148
United States, <i>Re</i> (96 N. Y. 227) 1603, 1661	— <i>v.</i> Fillebrown (7 Pet. [U. S.] 28) 884
United States <i>v.</i> Addison (6 Wall. [U. S.] 291) 748	— <i>v.</i> Fort Scott (99 U. S. 152) 373, 545, 549, 1390, 2680
— <i>v.</i> Addison (22 How. [U. S.] 174) 2670, 2726	— <i>v.</i> Freel (186 U. S. 309) 1264
— <i>v.</i> Addyston Pipe & Steel Co. (85 Fed. Rep. 271) 1166	— <i>v.</i> Guthrie (17 How. [U. S.] 284) 2659
— <i>v.</i> American Water Works Co. (37 Fed. Rep. 747) 2208	— <i>v.</i> Harris (1 Sumn. [U. S.] 21) 1003
— <i>v.</i> Bain (3 Hughes, 593) 1770	— <i>v.</i> Hart (Pet. [C. C.] 390) 1787
— <i>v.</i> Ballin (144 U. S. 1) 654, 846, 847, 851	— <i>v.</i> Hay (20 App. D. C. 576) 2659
— <i>v.</i> Baltimore & O. R. Co. (17 Wall. [U. S.] 322) 143, 144, 154, 183, 216, 221, 468, 2436, 2437, 3007	— <i>v.</i> Heinszen & Co. (206 U. S. 370) 2636
— <i>v.</i> Barber (74 Fed. Rep. 483) 1317	— <i>v.</i> Hitchcock (190 U. S. 316) 2659
— <i>v.</i> Barker (2 Paine C. Ct. 152) 763	— <i>v.</i> Hoar (2 Mason C. C. R. 134) 1887
— <i>v.</i> Bayard (127 U. S. 251) 1317	— <i>v.</i> Hodson (10 Wall. [U. S.] 395) 681
— <i>v.</i> Boice (2 McLean, 352) 763	— <i>v.</i> Holly (3 Cranch C. C. R. 656) 968
— <i>v.</i> Boutwell (17 Wall. [U. S.] 604) 2697, 2701, 2712	— <i>v.</i> Hudson (7 Cranch [U. S.] 32) 789
— <i>v.</i> Boyd (5 How. [U. S.] 29) 683	— <i>v.</i> Illinois Cent. R. Co. (154 U. S. 225) 1634, 1638, 1704
— <i>v.</i> Bradley (10 Pet. [U. S.] 343) 679, 681, 859	— <i>v.</i> Indian Grave Drainage Dist. (85 Fed. Rep. 928) 2710
— <i>v.</i> Brooklyn (8 Fed. Rep. 473) 2679	— <i>v.</i> Johnson County (5 Dillon, C. C. R. 207) 2689
— <i>v.</i> Brown (9 How. [U. S.] 487) 733	— <i>v.</i> Jones (109 U. S. 513) 1603
— <i>v.</i> Bryan (82 Fed. Rep. 290, aff'd 90 Fed. Rep. 473) 763	— <i>v.</i> Judges of U. S. Court of Appeals (85 Fed. Rep. 177) 2694
— <i>v.</i> Butterworth (169 U. S. 600) 2698	— <i>v.</i> Justices (10 Fed. Rep. 460) 722, 724
— <i>v.</i> Capdevielle (118 Fed. Rep. 809) 2402	— <i>v.</i> Ju Toy (198 U. S. 253) 2358
— <i>v.</i> Chandler (122 U. S. 643) 2698	— <i>v.</i> Keokuk (6 Wall. [U. S.] 514) 2679, 2695
	— <i>v.</i> Key West (78 Fed. Rep. 88) 2714
	— <i>v.</i> King (74 Fed. Rep. 493) 1293
	— <i>v.</i> Kirkpatrick (9 Wheat. [U. S.] 735) 1887
	— <i>v.</i> Knight Co. (156 U. S. 1) 2330

## TABLE OF CASES CITED

459

[References are to pages]

United States <i>v.</i> Land in Monterey County (47 Cal. 515)	1675	United States <i>v.</i> Prescott (3 How. [U. S.] 578)	763
— <i>v.</i> Lands in Jamestown (112 Fed. Rep. 622)	1675	— <i>v.</i> Railroad Bridge Co. (6 McLean, 517)	1632
— <i>v.</i> Land Comm'rs (5 Wall. [U. S.] 563)	2659	— <i>v.</i> Realty Co. (163 U. S. 427)	221, 226
— <i>v.</i> Lawrence (3 Dallas [U. S.] 42)	2647	— <i>v.</i> Rickert (188 U. S. 432)	2321, 2322
— <i>v.</i> LeBaron (19 How. [U. S.] 73)	679	— <i>v.</i> Roth (2 Alaska, 257)	483
— <i>v.</i> Lincoln County (5 Dillon, 184)	2402, 2684, 2689	— <i>v.</i> Santa Fe (165 U. S. 675)	1758
— <i>v.</i> Linn (15 Pet. [U. S.] 290)	679, 681	— <i>v.</i> Sault Ste. Marie (137 Fed. Rep. 258)	2845
— <i>v.</i> Lynah (188 U. S. 445)	499, 1602, 1603, 1609	— <i>v.</i> Saunders (124 Fed. Rep. 124)	2673, 2674, 2679, 2684, 2691, 2695, 2707, 2711
— <i>v.</i> McKelden (11 D. C. 162)	831, 833	— <i>v.</i> Scott (25 Fed. Rep. 470, 472)	759
— <i>v.</i> Macon County Court (99 U. S. 582)	583, 1479, 2456, 2681, 2682	— <i>v.</i> Seaman (17 How. [U. S.] 225)	2659
— <i>v.</i> Macon County Court (75 Fed. Rep. 259)	1304	— <i>v.</i> Sherman (98 U. S. 565)	1317
— <i>v.</i> Martin (94 U. S. 400)	209	— <i>v.</i> Silverman (4 Dillon, 224)	2695
— <i>v.</i> Memphis (97 U. S. 284)	153, 180, 619, 644, 2428, 2501, 2692	— <i>v.</i> Teller (107 U. S. 64)	757
— <i>v.</i> Miller County (4 Dillon, C. C. 233)	1295	— <i>v.</i> Thompson (98 U. S. 487)	1887
— <i>v.</i> Milwaukee (100 Fed. Rep. 828)	2322	— <i>v.</i> Tingey (5 Pet. [U. S.] 115)	679
— <i>v.</i> Mission Rock Co. (189 U. S. 391, aff'g 109 Fed. Rep. 763)	475	— <i>v.</i> Todd (13 How. [U. S.] 52)	148
— <i>v.</i> Morgan (11 How. [U. S.] 154)	763	— <i>v.</i> Union Pac. R. R. Co. (4 Dillon, 479; s. c. 91 U. S. 343)	2715, 2723
— <i>v.</i> Nahant (153 Fed. Rep. 520)	1619	— <i>v.</i> Union Pac. R. Co. (91 U. S. 72)	1350
— <i>v.</i> National Surety Co. (92 Fed. Rep. 549)	1264, 1269	— <i>v.</i> Union Pac. R. Co. (160 U. S. 1)	1924
— <i>v.</i> New Orleans (2 Woods C. C. 230)	570	— <i>v.</i> Vernon County Court (2 Cent. L. J. 771; s. c. 3 Dillon, 281)	2705
— <i>v.</i> New Orleans (98 U. S. 381)	1587, 2398, 2399, 2402, 2456, 2674, 2684, 2688	— <i>v.</i> Watts (1 N. Mex. 553)	763
— <i>v.</i> New Orleans (17 Fed. Rep. 483)	2674	— <i>v.</i> Wight (15 App. D. C. 463)	2659
— <i>v.</i> New Orleans (31 Fed. Rep. 537)	458	— <i>v.</i> Wright (1 McLean, 509)	723, 724
— <i>v.</i> North Carolina (136 U. S. 211)	1317	— <i>v.</i> Zabriskie (87 Fed. Rep. 714)	763
— <i>v.</i> Old Settlers (148 U. S. 427)	1157	United States Bank <i>v.</i> Dandridge (12 Wheat. [U. S.] 64)	681, 1170
— <i>v.</i> Oswego Tp. (28 Fed. Rep. 55)	2680, 2707	United States Distilling Co. <i>v.</i> Chicago (112 Ill. 19)	995, 2463
— <i>v.</i> Ottawa (28 Fed. Rep. 407)	2677, 2679	United States Express Co. <i>v.</i> Ellyson (28 Iowa, 370)	331
— <i>v.</i> Pacheco (2 Wall. [U. S.] 587)	492	— <i>v.</i> Hemmingway (39 Fed. Rep. 60)	2343
— <i>v.</i> Pacific R. (120 U. S. 227)	2846	United States Fidelity & Guar. Co. <i>v.</i> Golden Pressed Brick Co. (191 U. S. 416)	1270
— <i>v.</i> Port of Mobile 12 Fed. Rep. 768)	193	— <i>v.</i> Newark (72 N. J. Eq. 841; 66 Atl. 904)	1276
— <i>v.</i> Port of Portland (147 Fed. Rep. 865)	2864	United States Mortgage Co. <i>v.</i> Sperry (138 U. S. 313)	1398
		United States Trust Co. <i>v.</i> Mineral Ridge (104 Fed. Rep. 851)	1379
		— <i>v.</i> New Mexico (183 U. S. 535)	2442
		United States Water Works Co. <i>v.</i> Du Bois (176 Pa. 439; 35 Atl. 251)	2297



[References are to pages]

- United Traction Co. v. Waterliet (35 Misc. Rep. [N. Y.] 392; 71 N. Y. Supp. 977) 2754
- University v. Walden (15 Ala. 655) 734
- University of Alabama v. Winston (5 Stew. & Port. [Ala.] 17) 199
- University of Maryland v. Williams (9 Gill. & Johns. [Md.] 365; 31 Am. Dec. 72) 846
- University of Nebraska v. McConnell (5 Neb. 423) 762
- Updegraff v. Crans (47 Pa. St. 103) 839, 2751
- Urdike v. Campbell (4 E. D. Smith [N. Y.] 570) 1040
- v. Wright (81 Ill. 49) 2388, 2545
- Upham v. Marsh (128 Mass. 546) 1818
- v. Worcester (113 Mass. 97) 1682
- Uppington v. Oviatt (24 Ohio St. 232) 907, 949, 2538
- Upper Alloways Creek v. String (10 N. J. L. 323) 608
- Upper Steamboat Co. v. Blake (2 D. C. App. 51) 504
- Uppington v. New York City (165 N. Y. 222; 59 N. E. 91; 53 L. R. A. 550, aff'g 44 N. Y. App. Div. 630) 1863, 3026
- v. New York (41 N. Y. App. Div. 370; 58 N. Y. Supp. 533) 3026, 3048
- Uptagraff v. Smith (106 Iowa, 385; 76 N. W. 733) 1744, 1745, 1903
- Upton v. People (176 Ill. 632; 52 N. E. 358) 2455, 2625
- v. South Reading R. Co. (8 Cush. [Mass.] 600) 1678
- v. Starr (3 Ind. 538) 763
- Urch v. Portsmouth (69 N. H. 162; 44 Atl. 112) 1562
- Urmey's Executors v. Wooden (1 Ohio St. 160; 59 Am. Dec. 615) 1578
- Urquhart v. Ogdensburg (91 N. Y. 67; 43 Am. Rep. 655) 2838, 3050
- v. Ogdensburg (97 N. Y. 238) 2984
- Urtel v. Flint (122 Mich. 65; 80 N. W. 991) 3001, 3014, 3020
- Utica, Matter of (73 Hun [N. Y.] 256; 26 N. Y. Supp. 564) 1612
- Utica v. Miller (62 Ind. 230) 1250
- Utica Ins. Co. v. Scott (8 Cow. [N. Y.] 708) 2744, 2745
- Utica Water Works Co. v. Utica (31 Hun [N. Y.] 426) 2175
- Utter v. Franklin (172 U. S. 416) 230, 233, 1363, 1499, 1526, 1527
- v. Franklin (7 Ariz. 300; 64 Pac. 427) 2725
- Uvalde v. Spier (91 Fed. Rep. 594) 124, 1369, 1481
- Uvalde Asphalt Paving Co., *In re* (33 N. Y. Misc. 699; 68 N. Y. Supp. 1106) 2722
- Uvalde County v. Uvalde ([Tex. Civ. App.] 32 S. W. 368) 1715, 1745
- Vacheron, Matter of (51 N. Y. App. Div. 182; 64 N. Y. Supp. 503) 624
- Vadakin v. Crilly (28 Ohio Cir. Ct. R. 634, aff'd 73 Ohio St. 380) 2771
- Vail v. Beach (10 Kan. 214) 2443
- v. San Diego County (126 Cal. 35; 58 Pac. 392) 259, 261, 278, 324
- Vaile v. Independence (116 Mo. 333; 22 S. W. 695) 2605, 2869
- Vale Mills v. Nassau (63 N. H. 136) 2861, 3042
- Valentine v. Englewood (76 N. J. L. 509; 71 Atl. 344; 19 L. R. A. N. s. 262) 2868, 2880, 2896, 2898
- v. Hagerstown (86 Md. 486; 38 Atl. 931) 1724
- v. St. Paul (24 Minn. 446; 26 N. W. 457) 2828
- Valentine Clark Co. v. Allegheny City (143 Fed. Rep. 644) 672
- Valle v. Ziegler (84 Mo. 214) 2439, 2787
- Valleau v. Newton County (81 Mo. 591) 1307
- Vallejo Ferry Co. v. Vallejo (146 Cal. 392; 80 Pac. 514) 514
- Vallelly v. Grand Forks Park Com'rs (16 N. Dak. 25; 111 N. W. 615) 347, 368
- Vallett v. Parker (6 Wend. [N. Y.] 615) 1486
- Valley Bank v. Brodie (9 Ariz. 17; 76 Pac. 617) 1288, 1321
- Valley City Desk Co. v. Kent Circuit Judge (139 Mich. 194; 102 N. W. 651) 2652
- Valley Dist. Board of Education v. Alpena Tp. Board of Education (30 W. Va. 424; 4 S. E. 640) 626
- Valley Falls Co. v. Taft (27 R. I. 136; 61 Atl. 41) 2823
- Vallo v. United States Express Co. (147 Pa. 404; 23 Atl. 594; 14 L. R. A. 743) 1861, 1862
- Valparaiso v. Bozarth (153 Ind. 536; 55 N. E. 439; 47 L. R. A. 487) 1785, 1787
- v. Cartwright (8 Ind. App. 429; 35 N. E. 1051) 3052, 3056
- v. Chicago & G. T. R. Co. (123 Ind. 467; 24 N. E. 249) 1614
- v. Gardner (97 Ind. 1; 49 Am. Rep. 416) 350, 351, 357, 358, 362, 916, 918, 1234, 2763, 2768, 2772, 2775, 2783
- v. Hagen (153 Ind. 337; 54



## TABLE OF CASES CITED

461

[References are to pages]

- N. E. 1062; 48 L. R. A. 707;  
74 Am. St. Rep. 305) 1620, 2754  
Valparaiso v. Kyes (30 Ind. App.  
447; 66 N. E. 175) 3052  
— v. Parker (148 Ind. 379; 47  
N. E. 330) 2612  
— v. Spaeth ([Ind.] 74 N. E.  
518) 3045  
— v. Valparaiso City Water Co.  
(30 Ind. App. 316; 65 N. E.  
1063) 2167, 2300  
Valparaiso City Water Works Co.  
v. Valparaiso (33 Ind. App. 193;  
69 N. E. 1018) 2142, 2189,  
2190  
Valpey v. Manley (1 C. B. 592) 2830  
Valverde v. Shattuck (19 Colo.  
104; 34 Pac. 947) 1018  
Van Allen v. Albany Board of  
Assessors (3 Wall. [U. S.] 573) 2440  
Van Alstyne v. Morrison (33 Tex.  
Civ. App. 670; 77 S. W. 655) 2210,  
2215  
Van Antwerp, *In re* (56 N. Y. 261) 139,  
232, 2311, 2316, 2491, 2637  
Vanarsdall v. State (65 Ind. 176) 1592  
Vanatta v. Morristown (34 N. J.  
L. 445) 2601  
Van Auken v. Garfield Township  
(66 Kan. 594; 72 Pac. 211) 1313  
Vanblaricum v. State (7 Blackf.  
[Ind.] 209) 1682  
Van Brocklin v. Tennessee (117  
U. S. 151) 2321  
Van Brunt v. Flatbush (128 N. Y.  
50; 27 N. E. 973) 1910, 1912,  
1929  
Van Buren v. Wells (53 Ark. 368;  
14 S. W. 38; 22 Am. St. Rep.  
214) 972  
Vance, *Ex parte* (42 Tex. Crim.  
Rep. 618; 62 S. W. 568) 943, 1855,  
1856  
Vance v. Austell (45 Ark. 400) 654,  
661  
— v. Bank (1 Blackf. [Ind.] 80) 91,  
440  
— v. Hadfield (4 N. Y. Supp.  
112) 938  
— v. Little Rock (30 Ark. 435) 180,  
451, 2372, 2398, 2675  
— v. Rankin (194 Ill. 625; 62  
N. E. 807; 88 Am. St. Rep. 173) 623  
— v. Vandercook Co. [No. 1]  
(170 U. S. 438) 2351, 2352  
Van Cleef v. Chicago (240 Ill. 318;  
88 N. E. 815; 23 L. R. A. N. s.  
636; 130 Am. St. Rep. 275,  
aff'g 144 Ill. App. 488) 2981, 2983  
Van Cleve v. Passaic Valley Sewer-  
age Com'n (71 N. J. L. 574; 60  
Atl. 214; 108 Am. St. Rep. 754,  
rev'g 71 N. J. L. 183; 58 Atl.  
571) 59, 101, 131, 160, 196, 212,  
245, 259, 260, 307, 313, 314, 315,  
334, 346, 2509  
Van Cott v. Pratt (11 Utah, 209;  
39 Pac. 827) 470  
Vancouver v. Wintler (8 Wash.  
378; 36 Pac. 278, 685) 1645  
Vandalia v. Ropp (39 Ill. App.  
344) 2960  
Van de Griff v. Haynie (28 Ark.  
270) 2372  
Vandegrift v. Cowles Engineering  
Co. (161 N. Y. 435; 55 N. E.  
941; 48 L. R. A. 685) 1278  
Vanderbeck v. Jersey City (29 N.  
J. L. 441) 2615  
— v. Ridgewood (50 N. J. L.  
514; 14 Atl. 598) 897  
Vanderberg v. Kansas City Mo.  
Gas Co. (126 Mo. App. 600;  
105 S. W. 17) 2205, 2214  
Vanderbilt, The C. (86 Fed. Rep.  
785) 504  
Vanderbilt v. Adams (7 Cow. [N.  
Y.] 349) 555, 559, 939, 1083, 1104  
Vanderburgh v. Minneapolis (98  
Minn. 329; 108 N. W. 480; 6  
L. R. A. N. s. 741) 1664, 1993  
Vanderhurst v. Tholcke (113 Cal.  
147; 45 Pac. 266; 35 L. R. A.  
267) 1097, 1821  
Vanderlip v. Grand Rapids (73  
Mich. 522; 41 N. W. 677; 3  
L. R. A. 247; 16 Am. St. Rep.  
597) 2921  
Vanderslice v. Philadelphia (103  
Pa. St. 102) 3015, 3054  
Vandersmith's Case (10 Pa. Law  
J. 523) 1792  
Vandersyde v. People (195 Ill. 200;  
62 N. E. 806) 2614  
Vanderwerker v. People (5 Wend.  
[N. Y.] 530) 441  
Vanderwiele v. Taylor (65 N. Y.  
341) 3036, 3045  
Vandeskie v. New York (89 N. Y.  
App. Div. 625; 85 N. Y. Supp.  
836) 2998  
Vandever v. Mattocks (3 Ind.  
479) 677  
Van Deventer v. Long Island City  
(139 N. Y. 133; 34 N. E. 774) 2447,  
2577  
Vandewater v. Wappinger (69 N.  
Y. App. Div. 325; 74 N. Y.  
Supp. 699) 766  
Vandine, *In re* (6 Pick. [Mass.]  
187) 942, 1028  
Van Dorn v. Anderson (219 Ill.  
32; 76 N. E. 53; aff'g 117 Ill.  
App. 618) 2657, 2658  
Vandriess v. Hill (58 Kan. 611; 50  
Pac. 872) 624

[References are to pages]

- Van Duyne v. Knox Hat Mfg. Co.*  
 (71 N. J. Eq. 375; 64 Atl.  
 149) 1699, 1869  
*Vandyke v. Cincinnati (1 Disney*  
 [Ohio] 532) 1035, 2969, 3015  
*Van Eppes v. Mobile (25 Ala. 460)* 2856  
*Van Frachen v. Ft. Howard (88*  
 Wis. 570; 60 N. W. 1062) 2814,  
 2821  
*Van Giesen v. Bloomfield (47 N. J.*  
 L. 442; 2 Atl. 249) 274, 275, 296,  
 297  
*Van Harlingen v. Doyle (134 Cal.*  
 53; 66 Pac. 44; 54 L. R. A.  
 771) 277, 300  
*Van Hise v. Rensselaer County (21*  
 N. Y. Misc. 572; 48 N. Y.  
 Supp. 874) 2829  
*Van Hook v. Selma (70 Ala. 361;*  
 45 Am. Rep. 85) 928, 989, 995,  
 996, 2462, 2468  
*Vanhorn v. Des Moines (63 Iowa,*  
 447; 19 N. W. 293; 50 Am. Rep.  
 750) 2301, 2302, 2305  
*Van Horn v. People (46 Mich. 183;*  
 9 N. W. 246; 41 Am. Rep. 159) 1100,  
 1102  
*Van Horne v. Newark Pass. R. Co.*  
 (48 N. J. Eq. 332; 21 Atl.  
 1034) 1989, 2002  
*Van Hostrup v. Madison (1 Wall.*  
 [U. S.] 291) 457, 1359, 1402, 1420,  
 1439, 1440  
*Van Houten v. Paterson (37 N. J.*  
 L. 412) 2537  
*Van Ingen v. Hudson Realty Co.*  
 (106 N. Y. App. Div. 444; 94  
 N. Y. Supp. 645) 463  
*Van Keuren v. Johnson (3 Denio*  
 [N. Y.] 182) 762  
*Van Ness v. Washington (4 Pet.*  
 [U. S.] 232) 1759  
*Van Orsdall v. Hazard (3 Hill*  
 [N. Y.] 243) 636, 723, 724  
*Vanover v. Terrell County (27 Ga.*  
 354) 553, 2786  
*Van Pelt v. Davenport (42 Iowa,*  
 308; 20 Am. Rep. 622) 1802,  
 2882, 3015, 3036, 3050  
*Van Reipen v. Jersey City (58 N.*  
 J. Law, 262; 33 Atl. 740) 1170,  
 1212, 1215, 1219, 1612, 1621, 2132  
*Van Riper v. Essex Pub. R. Board*  
 (38 N. J. L. 23) 2925  
 — *v. Parsons (40 N. J. L. 1;*  
 s. c. 40 N. J. L. 123; 29 Am.  
 Rep. 210) 243, 245, 259, 260, 261,  
 265, 267, 278, 310, 328  
*Van Sant v. Atlantic City (68 N. J.*  
 Law, 449; 53 Atl. 701) 745  
*Vansant v. Harlem Stage Co. (59*  
 Md. 330) 996, 2399, 2462  
 — *v. Roberts (3 Md. 119)* 610  
*Van Sicklen v. Burlington (27 Vt.*  
 70) 76, 560  
*Van Solingen v. Harrison (39 N. J.*  
 L. 51) 2537, 2538  
*Van Swartow v. Commonwealth*  
 (24 Pa. St. 131) 1118, 1126, 1133  
*Van Tassel v. Jersey City (37 N.*  
 J. L. 128) 2538, 2564  
*Vantilburgh v. Shann (24 N. J. L.*  
 740) 1794, 2609  
*Van Tuyl, In re (71 Kan. 659;*  
 81 Pac. 181) 952, 953, 990  
*Van Valkenburgh v. Milwaukee*  
 (30 Wis. 338) 1722  
 — *v. New York (49 N. Y. App.*  
 Div. 208; 63 N. Y. Supp. 6) 707,  
 737, 746  
*Van Vranken v. Clifton Springs*  
 (86 Hun [N. Y.] 67; 33 N. Y.  
 Supp. 329) 2960  
*Van Wagoner v. Paterson (67 N.*  
 J. L. 455; 51 Atl. 922) 2506, 2564,  
 2601, 2620  
*Van Wert Bd. of Education v.*  
 Edson (18 Ohio St. 221; 98 Am.  
 Dec. 114) 1758, 1759, 1762, 1763,  
 1846  
*Van Wickle v. Camden & A. R.*  
 R. Co. (14 N. J. L. 162) 1646  
*Van Wie v. Mt. Vernon (26 N. Y.*  
 App. Div. 330; 49 N. Y. Supp.  
 779) 2977  
*Van Witsen v. Gutman (79 Md.*  
 405; 29 Atl. 608) 1717, 1838, 1839,  
 1841  
*Van Wormer v. Albany (18 Wend.*  
 [N. Y.] 169, aff'g s. c. 15 Wend.  
 [N. Y.] 262) 1032  
*Van Wycklen v. Brooklyn (118 N.*  
 Y. 424; 24 N. E. 179) 2307, 2308  
*Varden v. Mount (78 Ky. 86; 39*  
 Am. Rep. 208) 957, 958, 959  
*Varick v. New York (4 Johns. Ch.*  
 [N. Y.] 53) 2750, 2753  
 — *v. Smith (5 Paige [N. Y.] 137;*  
 28 Am. Dec. 417) 1624, 1637, 1641  
*Varner v. Martin (21 W. Va. 534)* 1631  
 — *v. Nobleborough (2 Me. 121;*  
 11 Am. Dec. 48) 1291  
 — *v. St. Louis & C. R. Co. (55*  
 Iowa, 677; 8 N. W. 634) 1562  
*Varney v. Kramer (62 N. J. L.*  
 483; 41 Atl. 711) 283  
*Varnham v. Council Bluffs (52*  
 Iowa, 698; 3 N. W. 792) 3015  
*Vars v. Grand Trunk R. Co. (23*  
 Up. Can. C. P. 143) 1859, 2978  
*Vason v. Augusta (38 Ga. 542)* 466,  
 667, 968, 1125, 1126  
 — *v. South Carolina R. Co. (42*  
 Ga. 631) 1991  
*Vassault v. Austin (36 Cal. 691)* 1118  
*Vasser v. George (47 Miss. 713)* 2381

# TABLE OF CASES CITED

463

[References are to pages]

Vaughn v. Forsyth County (118 N. Car. 636; 24 S. E. 425)	1587, 1588, 1592	Verona, Appeal of (108 Pa. 83)	950
— v. School Dist. (27 Oreg. 57; 39 Pac. 393)	724	Verrill v. Minot (31 Me. 299)	3005
Vaughtmann v. Waterloo (14 Ind. App. 649; 43 N. E. 476)	1233, 2838, 2843, 2884, 2903	Verrior v. Sandwich (1 Sid. 305)	726
Vawter v. Franklin College (53 Ind. 88)	874, 880	Vespra v. Cook (26 Upper Can. C. P. 182)	1794
Veale v. Boston (135 Mass. 187)	2976	Vestal v. Little Rock (54 Ark. 321; 15 S. W. 891; 16 S. W. 291; 11 L. R. A. 778)	616, 618, 2425
Veazie v. China (50 Me. 518)	466, 568	Vick v. Vicksburg (1 How. [Miss.] 379; 31 Am. Dec. 167)	1694, 1695, 1708
— v. Mayo (45 Me. 560)	2081	Vickery v. Hendricks County (134 Ind. 554; 32 N. E. 880)	2603
— v. Penobscot R. Co. (49 Me. 119)	3031, 3033	Vickrey v. Sioux City (115 Fed. Rep. 437)	368, 372, 1390
— v. Rockland (68 Me. 511)	2814	Vicksburg v. Briggs (102 Mich. 551; 61 N. W. 1)	1109
Veazie Bank v. Fenno (8 Wall. [U. S.] 533)	2315	— v. Hennessy (54 Miss. 363)	2972, 2998
Veeder v. Lima (19 Wis. 280)	582, 1534, 1535, 1536, 1537	— v. Herman (72 Miss. 211; 16 So. 434)	2008, 2928
— v. Little Falls (100 N. Y. 343; 3 N. E. 306)	2952, 2964, 2976	— v. Lombard (51 Miss. 126)	1357, 1369, 1405, 1464
Venango Street (9 Pa. Dist. R. 651)	1630	— v. Marshall (59 Miss. 573)	1690, 1716, 1888, 1897, 1902
Veneman v. Jones (118 Ind. 41; 20 N. E. 644)	675, 1854	— v. Richardson (90 Miss. 1; 42 So. 234)	3043
Venice v. Breed (65 Barb. [N. Y.] 597)	1405, 1538	— v. Tobin (100 U. S. 430)	474, 513
— v. Madison County Ferry Co. (216 Ill. 345; 75 N. E. 105)	1688, 1724, 1732, 1741	— v. Vicksburg Water Works Co. (202 U. S. 453; s. c. 206 U. S. 496)	455, 464, 2149, 2152, 2153, 2157, 2158, 2161, 2163, 2164, 2166, 2239, 2240
— v. Murdoch (92 U. S. 494)	1405, 1408, 1420, 1428, 1461, 1466, 1534	Vicksburg Bank v. Worrell (67 Miss. 47; 7 So. 219)	2383
— v. Woodruff (62 N. Y. 462; 20 Am. Rep. 495)	1538	Vicksburg, S. & P. R. Co. v. Dennis (116 U. S. 665)	2441, 2443
Venner v. Chicago City R. Co. (236 Ill. 349; 86 N. E. 266)	2057	Vicksburg Water Works Co. v. Vicksburg (185 U. S. 65)	455, 464, 2240, 2259
Vennum v. Milford (202 Ill. 423; 66 N. E. 1040)	2595	Victory v. Baker (67 N. Y. 366)	3032
— v. People (188 Ill. 158; 58 N. E. 979)	2452, 2453	Vidal v. Girard (2 How. [U. S.] 127)	1572, 1577, 2775
Ventura County v. Thompson (51 Cal. 577)	1646, 1682	— v. Philadelphia (2 How. [U. S.] 127)	1569, 1570, 1579
Veraguth v. Denver (19 Colo. App. 473; 76 Pac. 539)	182, 2838, 2880	Vider v. Chicago (164 Ill. 354; 45 N. E. 720, aff'g 60 Ill. App. 595)	1252, 1319
Verdin v. St. Louis (131 Mo. 26; 33 S. W. 480; 36 S. W. 52)	1204, 1205, 1209, 2602, 2771, 2783	Viellesse v. Green Bay (110 Wis. 160; 85 N. W. 665)	3017
Verges v. Milwaukee County (116 Wis. 191; 93 N. W. 44)	258, 310, 324	Vier v. Detroit (111 Mich. 646; 70 N. W. 139)	1898
Vergin v. Saginaw (125 Mich. 499; 84 N. W. 1075)	3001	Vieths v. Skinner (47 Ill. App. 325)	2971
Vermilye v. Adams Exp. Co. (21 Wall. [U. S.] 138)	1546, 1547	Vigeant v. Marlboro (175 Mass. 459; 56 N. E. 708)	2947
Vermont v. Miller (161 Ill. 210; 43 N. E. 975)	1690, 1736	Vigo County v. Daily (132 Ind. 73; 31 N. E. 531)	2856
Vermont Cent. R. Co. v. Burlington (28 Vt. 193)	2445	Vilias v. Feathersen (94 N. Y. App. Div. 259; 87 N. Y. Supp. 1094)	508
Vernon Shell Road Co. v. Savannah (95 Ga. 387; 22 S. E. 625)	1615	Viliski v. Minneapolis (40 Minn. 1094)	
Vernon Society Trustees v. Hill (6 Cow. [N. Y.] 23)	720, 721, 842		

[References are to pages]

- 304; 41 N. W. 1050; 3 L. R. A. 831) 1818
- Villavaso *v.* Barthet (39 La. An. 247; 1 So. 599) 986, 1048
- Vinal *v.* Dorchester (7 Gray [Mass.] 421) 2957, 3035
- Vincennes *v.* Citizens' G. L. Co. (132 Ind. 114; 31 N. E. 573; 16 L. R. A. 485) 2132, 2146, 2149, 2152, 2153, 2156, 2166
- *v.* Richards (23 Ind. 381) 2924
- *v.* Spees (35 Ind. App. 389; 74 N. E. 277) 2976, 2998
- *v.* Spees ([Ind. App.] 72 N. E. 531) 2963
- *v.* Thuis (28 Ind. App. 523; 63 N. E. 315) 2969, 2976
- Vincennes University *v.* Indiana (14 How. [U. S.] 268) 91, 589, 590, 593
- Vincent *v.* Ellis (116 Iowa, 609; 88 N. W. 836) 2647, 2659
- *v.* Kalamazoo (111 Mich. 230; 69 N. W. 501) 1898
- *v.* Lincoln County (30 Fed. Rep. 749) 2810
- *v.* Nantucket (12 Cush. [Mass.] 103) 75, 451, 565, 1180
- Vines *v.* State (67 Ala. 73) 2476
- Vinson *v.* Monticello (118 Ind. 103; 19 N. E. 734) 1004
- Vintner's Co. *v.* Passey (1 Burr. 237) 664, 722, 942, 982, 985
- Vinton *v.* Cattaraugus County (18 N. Y. St. Rep. 435; 2 N. Y. Supp. 367) 2781
- Violett *v.* Alexandria (92 Va. 561; 23 S. E. 909; 31 L. R. A. 382; 53 Am. St. Rep. 825) 2363, 2365, 2399, 2451, 2491, 2493, 2503, 2517, 2533
- Vionet *v.* Municipality (4 La. An. 42) 1031
- Virginia, *Ex parte* (100 U. S. 339) 2248
- Virginia *v.* Hall (96 Ill. 278) 2627
- Virginia & T. R. Co. *v.* Washington Co. (30 Gratt. [Va.] 471) 2398, 2399
- Virginia Canon Toll Road Co. *v.* People (22 Colo. 429; 45 Pac. 398; 37 L. R. A. 711) 2059
- Virginia City *v.* Mining Co. (2 Nev. 86) 129, 443
- Virginia Comm'rs, *Ex parte* (112 U. S. 177) 2652
- Virginia Coupon Cases (114 U. S. 269) 2479
- Virginia Rulon, The (13 Blatchf. C. C. 519) 504
- Visalia *v.* Jacobs (65 Cal. 434; 4 Pac. 433; 52 Am. Rep. 303) 1711, 1896
- Vogel *v.* Antigo (81 Wis. 642; 51 N. W. 1008) 2814
- Vogel *v.* Little Rock (55 Ark. 609; 19 S. W. 13) 616
- *v.* New York (92 N. Y. 10; 44 Am. Rep. 349) 3022
- *v.* State (107 Ind. 374; 8 N. E. 164) 639
- *v.* West Plains (73 Mo. App. 588) 2969
- Voght *v.* Buffalo (133 N. Y. 463) 1235, 2454, 2455
- Voight *v.* Wright (141 U. S. 62) 2337
- Voigt *v.* Detroit (123 Mich. 547; 82 N. W. 253, aff'd 184 U. S. 115) 2370, 2542
- Volk *v.* Newark (47 N. J. L. 117) 897, 926
- Volkening, *In re* (52 N. Y. 650) 138
- Volkmar Street (124 Pa. 320; 16 Atl. 867) 1630
- Vonder Leith *v.* State (60 N. J. L. 46; 37 Atl. 436) 919
- Von Diest *v.* San Antonio Traction Co. (33 Tex. Civ. App. 577; 77 S. W. 632) 985
- Von Frachen *v.* Fort Howard (88 Wis. 570; 60 N. W. 1062) 2822
- Von Hoffman *v.* Quincy (4 Wall. [U. S.] 535) 193, 195, 597, 1403, 1545, 2403, 2674, 2679, 2687, 2688
- Von Phul *v.* Hammer (29 Iowa, 222) 129, 308, 334
- Von Schmidt *v.* Widber (105 Cal. 151; 38 Pac. 682) 450, 453
- Von Steen *v.* Beatrice (36 Neb. 421; 54 N. W. 677) 2596, 2597
- Voorhees *v.* North Wildwood (75 N. J. L. 463; 68 Atl. 174) 2626
- Vorhes *v.* Ackley (127 Iowa, 658; 103 N. W. 998) 1897
- Voris *v.* Pittsburg Plate Glass Co. (163 Ind. 599; 70 N. E. 249) 2316, 2623
- Vorrath *v.* Hoboken (49 N. J. L. 285; 8 Atl. 125) 2957
- Vosper *v.* New York (49 N. Y. Superior Ct. 296) 2988
- Voss *v.* Waterloo Water Co. (163 Ind. 69; 71 N. E. 208; 66 L. R. A. 95; 106 Am. St. Rep. 201) 342, 355, 362, 364, 370, 375, 2114
- Vosse *v.* Memphis (9 Lea [Tenn.] 294) 2475
- Vossen *v.* Dautel (116 Mo. 379; 22 S. W. 734) 1724
- Vrana *v.* St. Louis (164 Mo. 146; 64 S. W. 180) 2444
- Vreeland *v.* Bayonne (58 N. J. L. 126; 32 Atl. 68, modified 60 N. J. L. 168; 37 Atl. 737) 2616, 2620, 2635
- *v.* Jersey City (43 N. J. L. 135) 2509

## TABLE OF CASES CITED

465

(References are to pages)

- Vreeland v. Jersey City* (54 N. J. L. 49; 22 Atl. 1052) 1646  
 — *v. Jersey City* (37 N. J. Eq. 574) 2224  
 — *v. O'Neil* (36 N. J. Eq. 399) 2224  
 — *v. Tacoma* (48 Wash. 625; 94 Pac. 192) 2224, 2555
- Wabash v. Alber* (88 Ind. 428) 2925  
*Wabash Ave.* (26 Pa. Super. Ct. 305) 1820  
*Wabash East. R. Co. v. East Lake Fork Drainage Com'rs* (134 Ill. 384; 25 N. E. 781; 10 L. R. A. 285) 2587  
*Wabash Meth. E. Church v. Ellis* (38 Ind. 3) 2443, 2446  
*Wabash R. Co. v. Defiance* (167 U. S. 88, aff'g 52 Ohio St. 262; 40 N. E. 89) 1804, 1809, 1810, 1819, 1820  
 — *v. Defiance* (52 Ohio St. 262; 40 N. E. 89; s. c. 10 Ohio Cir. Ct. 27) 459, 464, 1799, 1817, 1818  
*Wabash River Levee Directors v. Houston* (71 Ill. 318) 2389  
*Wabash St. L. & P. R. Co. v. Illinois* (118 U. S. 557) 2226, 2337  
*Wabaska El. Co. v. Wymore* (60 Neb. 199; 82 N. W. 626) 2230, 2231, 2298, 2299, 2869  
*Wabaunsee County v. Muhlenbacker* (18 Kan. 129) 1015  
 — *v. Walker* (8 Kan. 431) 2828  
*Waco v. Chamberlain* (92 Tex. 207; 47 S. W. 527) 1222, 2454  
 — *v. Powell* (32 Tex. 258) 1100  
 — *v. Prather* (90 Tex. 80; 37 S. W. 312) 896  
*Waco Water & L. Co. v. Waco* ([Tex. Civ. App.] 27 S. W. 675) 2153, 2167  
*Waddell v. New York* (8 Barb. [N. Y.] 95) 2923  
*Waddington v. St. Louis* (14 Mo. 190) 476, 477  
*Wade v. Brantford* (19 Up. Can. Q. B. 207) 2812, 2869  
 — *v. Nunnally* (19 Tex. Civ. App. 256; 46 S. W. 668) 987, 990, 1854, 1869  
 — *v. Oakmont* (165 Pa. St. 479; 30 Atl. 959) 362, 2132  
 — *v. Richmond* (18 Gratt. [Va.] 583) 618, 2768, 2770  
 — *v. Travis County* (174 U. S. 499) 421, 422, 426, 427, 1408, 1410  
*Wadleigh v. Gilman* (12 Me. 403; 28 Am. Dec. 188) 555, 559, 922, 1104, 1105, 1106  
 — *v. Mt. Vernon* (75 Me. 79) 2821
- Wadleigh v. Sutton* (6 N. H. 15; 23 Am. Dec. 704) 1193, 2861  
*Wadley v. Lancaster* (124 Ga. 354; 52 S. E. 335) 409  
*Wadsworth v. Concord* (133 N. Car. 587; 45 S. E. 948) 1170, 1381, 2768  
 — *v. Eau Claire County Sup.* (102 U. S. 534) 1508, 1531  
 — *v. Reel* (15 Pa. Co. Ct. R. 440) 2673  
*Waffle v. New York Cent. R. Co.* (53 N. Y. 11; 13 Am. Rep. 467) 3053  
 — *v. New York Cent. R. Co.* (58 Barb. [N. Y.] 413) 3056  
*Wager v. Troy Union R. Co.* (25 N. Y. 526) 1719, 1795, 1796, 2010, 2011, 3023  
*Waggoner v. North Peoria* (155 Ill. 545; 40 N. E. 485) 1705  
 — *v. North Peoria* (160 Ill. 277; 43 N. E. 347) 1723  
*Waggener v. Point Pleasant* (42 W. Va. 798; 26 S. E. 352) 2998  
*Waggoner v. South Gorin* (38 Mo. App. 25) 1043  
*Wagner v. Bristol B. L. R. Co.* (108 Va. 594; 62 S. E. 391; 25 L. R. A. n. s. 1278) 2007  
 — *v. Collis* (7 N. Y. App. Div. 203; 40 N. Y. Supp. 171) 707  
 — *v. Gage County* (3 Neb. 237) 1681  
 — *v. Milwaukee County* (112 Wis. 601; 88 N. W. 577) 303  
 — *v. Portland* (40 Ore. 389; 60 Pac. 985; 67 Pac. 300) 2880, 2894  
 — *v. Rock Island* (146 Ill. 139; 34 N. E. 545; 21 L. R. A. 519) 2117, 2134, 2211, 2212, 2213, 2215, 2223, 2229, 2254  
*Wahle v. Reinbach* (76 Ill. 322) 1039  
*Wahlgren v. Kansas City* (42 Kan. 243; 21 Pac. 1068) 2599  
*Wahoo v. Dickinson* (23 Neb. 426; 36 N. W. 813) 108, 616  
 — *v. Netheway* (73 Neb. 54; 102 N. W. 86) 1899  
 — *v. Reeder* (27 Neb. 770; 43 N. W. 1145) 59, 63, 2996  
 — *v. Tharp* (45 Neb. 563; 63 N. W. 840) 616, 620  
*Wahrman v. New York Board of Education* (187 N. Y. 331; 80 N. E. 192; 116 Am. St. Rep. 609, aff'g 111 N. Y. App. Div. 345; 97 N. Y. Supp. 1066) 2860, 2861, 2889  
*Wainwright v. McCullough* (63 Pa. 66, 74) 494  
 — *v. Queens County Water Co.* (78 Hun [N. Y.] 146; 28 N. Y. Supp. 987) 2304

[References are to pages]

- Waite v. N. E. Ry. Co. (E. B. & E. 719) 2971  
 — v. Santa Cruz (184 U. S. 302, rev'g 98 Fed. Rep. 387; s. c. 89 Fed. Rep. 619) 279, 280, 282, 389, 392, 394, 401, 1238, 1369, 1374, 1394, 1435, 1436, 1452, 1454, 1455, 1463, 1484, 1497, 1498, 1501, 1503, 1504, 1506  
 — v. Travis County (174 U. S. 499) 1460  
 Wakefield v. Newport (60 N. H. 374) 2868  
 — v. Pawtucket (12 R. I. 75) 2925, 3038  
 — v. Theresa (125 N. Y. App. Div. 38; 109 N. Y. Supp. 414) 2200  
 Wakeley v. Omaha (58 Neb. 245; 78 N. W. 511) 2606, 2609  
 Wakeling v. Cocker (23 Pa. Super. Ct. 196) 1890, 1897  
 Wakeman v. Wilbur (147 N. Y. 657; 42 N. E. 341) 1790, 1791  
 Walcott v. People (17 Mich. 68) 2469  
 — v. Swampscott (1 Allen [Mass.] 101) 2880, 2901  
 — v. Wells (21 Nev. 47; 24 Pac. 367; 9 L. R. A. 59; 37 Am. St. Rep. 478) 843  
 Walcutt v. Columbus (27 Ohio Cir. Ct. 238; 17 Ohio Cir. Ct. Dec. 238) 910  
 Walden v. Dudley (49 Mo. 419) 2444  
 — v. Jamestown (178 N. Y. 213; 70 N. E. 466) 2817, 2819  
 — v. Jamestown (79 N. Y. App. Div. 433; 80 N. Y. Supp. 65) 2960  
 Waldo v. Wallace (12 Ind. 569) 668, 971, 972, 1119  
 Waldraven v. Memphis (4 Coldw. [Tenn.] 431) 677, 734  
 Waldron v. Berry (51 N. H. 136) 768, 771  
 — v. Haverhill (143 Mass. 582; 10 N. E. 481) 2874, 2901, 2913  
 — v. Lee (5 Pick. [Mass.] 323) 628  
 — v. St. Paul (33 Minn. 87; 22 N. W. 4) 3016  
 — v. Snohomish (41 Wash. 566; 83 Pac. 1106) 1306, 2675  
 Wales v. Muscatine (4 Iowa, 302) 471  
 Walsh v. Milwaukee (95 Wis. 16; 69 N. W. 818) 1835, 2921, 2931  
 Walker v. Aurora (140 Ill. 402; 29 N. E. 741) 2537, 2549  
 — v. Brewster (L. R. 5 Eq. 25) 2981  
 — v. Caywood (31 N. Y. 51) 1897  
 — v. Charleston (1 Bailey Eq. [S. Car.] 443) 2752  
 — v. Chicago (62 Ill. 286) 2404  
 — v. Chicago (202 Ill. 531; 67 N. E. 369) 2453, 2609, 2614, 2620  
 Walker v. Cincinnati (21 Ohio St. 14; 8 Am. Rep. 24) 64, 149, 242, 573, 2103  
 — v. Cook (129 Mass. 577) 471  
 — v. Decatur County (67 Iowa, 307; 25 N. W. 256) 3003  
 — v. Denver (76 Fed. Rep. 670) 1783  
 — v. Detroit (136 Mich. 6; 98 N. W. 744) 2455  
 — v. Detroit (138 Mich. 639; 101 N. W. 847) 2542, 2616  
 — v. Detroit (143 Mich. 427; 106 N. W. 1123) 1813  
 — v. Dillondale (30 Ohio Cir. Ct. R. 623) 2764, 2786  
 — v. Eastern Counties R. Co. 6 Hare, 544) 1652  
 — v. Hallock (32 Ind. 239) 771  
 — v. Jameson (140 Ind. 591; 37 N. E. 402; 39 N. E. 869; 28 L. R. A. 679; 49 Am. St. Rep. 222) 1023, 1025, 1028  
 — v. Mad River & L. R. Co. (8 Ohio, 38) 1657  
 — v. Maxwell (68 N. Y. App. Div. 196; 74 N. Y. Supp. 94) 2797  
 — v. Monroe County (11 Ind. App. 285; 38 N. E. 1095) 1391  
 — v. Morgan Park (175 Ill. 570; 51 N. E. 636) 1820, 2545  
 — v. New Orleans (31 La. An. 828) 1000  
 — v. New York (107 N. Y. App. Div. 351; 95 N. Y. Supp. 121) 2981  
 — v. People (5 Colo. App. 37; 37 Pac. 29) 1020  
 — v. People (170 Ill. 410; 48 N. E. 1010) 2614, 2623  
 — v. People (202 Ill. 34; 66 N. E. 827) 2480  
 — v. Oswald (68 Md. 146; 11 Atl. 711) 654, 655, 656  
 — v. Point Pleasant (49 Mo. App. 244) 2975  
 — v. St. Louis (15 Mo. 563) 2829, 2832  
 — v. Sauvinet (92 U. S. 90) 2520  
 — v. Shasta Power Co. (160 Fed. Rep. 856; 19 L. R. A. n. s. 725) 2125  
 — v. Shepardson (4 Wis. 486; 65 Am. Dec. 324) 489  
 — v. Springfield (94 Ill. 364) 2354  
 — v. State Harbor Com'rs (17 Wall. [U. S.] 648) 490  
 — v. Thomas (123 Mich. 290; 82 N. W. 48) 2602  
 — v. Towle (156 Ind. 639; 59 N. E. 20; 53 L. R. A. 749) 449, 1035, 1101, 1103  
 — v. West Boylston (128 Mass. 550) 643



## TABLE OF CASES CITED

467

(References are to pages)

- Walkley v. Muscatine (6 Wall. [U. S.] 481) 2645, 2646, 2674, 2680, 2687, 2690  
 Wall, *In re* (48 Cal. 279; 17 Am. Rep. 425) 128, 901  
 Wall v. Monroe County (103 U. S. 74) 531, 1294, 1295, 1298, 1308  
 — v. Pittsburg (205 Pa. 48; 54 Atl. 497) 2975  
 — v. Pittsburg Harbor Co. (152 Pa. St. 427; 25 Atl. 647; 34 Am. St. Rep. 667) 494  
 — v. Trumbull (16 Mich. 228) 771  
 Wallace v. Arkansas Cent. R. Co. (118 Fed. Rep. 422) 2288  
 — v. Board of Revenue (140 Ala. 491; 37 So. 321) 257  
 — v. Cubanola (70 Ark. 395; 68 S. W. 485) 986  
 — v. Fee (50 N. Y. 694) 1845  
 — v. First Parish in Townsend (109 Mass. 263) 870  
 — v. Lawyer (54 Ind. 501; 23 Am. Rep. 661) 469, 742  
 — v. Menasha (48 Wis. 79; 4 N. W. 101; 33 Am. Rep. 804) 2876, 2904  
 — v. Muscatine (4 Greene [Iowa] 373) 3046  
 — v. Norman (9 Okla. 339; 60 Pac. 108; 48 L. R. A. 620) 2850, 2868, 2869  
 — v. San Jose (29 Cal. 180) 345, 453, 550, 1154, 1178  
 — v. Sharon (84 N. Car. 164) 443, 1587  
 — v. Shelton (14 La. An. 498) 1665, 2379, 2503  
 Walla Walla v. Walla Walla Water Co. (172 U. S. 1, aff'g 60 Fed. Rep. 957) 362, 364, 455, 465, 2060, 2134, 2149, 2163, 2164, 2180, 2239, 2241, 2257, 2258  
 Waller v. Dubuque (69 Iowa, 541; 29 N. W. 456) 2901, 2923  
 Wallich v. Manitowoc (57 Wis. 9; 14 N. W. 812) 2921  
 Walling v. Michigan (116 U. S. 446, 460) 2225, 2337  
 — v. Shreveport (5 La. An. 660; 52 Am. Dec. 608) 1653, 2872, 2874, 2875, 2903  
 Wallis v. Smith (29 Ark. 354) 1309  
 — v. Westport (82 Mo. App. 522) 2998  
 Waln v. Philadelphia (99 Pa. St. 330) 895, 910, 945  
 Walnut District Township v. Rankin (70 Iowa, 65; 29 N. W. 806) 1240  
 Walnut Tp. v. Jordan (38 Kan. 562; 16 Pac. 812) 603, 1294, 1312  
 Walpole v. Massachusetts Chemi-  
 cal Co. (192 Mass. 66; 78 N. E. 140) 1650  
 Walser v. Board of Education (160 Ill. 272; 43 N. E. 346; 31 L. R. A. 329) 2829  
 Walsh v. Albany (32 N. Y. App. Div. 128; 52 N. Y. Supp. 936) 696  
 — v. Augusta (67 Ga. 293) 398  
 — v. Barron (61 Ohio St. 15; 55 N. E. 164; 76 Am. St. Rep. 354) 2530, 2537  
 — v. Bridge Trs. (96 N. Y. 429) 2883  
 — v. Buffalo (17 N. Y. App. Div. 112; 44 N. Y. Supp. 942) 2967  
 — v. Buffalo (36 N. Y. Supp. 997) 2813  
 — v. Newark (77 N. J. L. 181; 71 Atl. 39) 2603  
 — v. Newark Board of Education (73 N. J. L. 643; 64 Atl. 1088) 1651  
 — v. New York (113 N. Y. 142; 20 N. E. 825) 1222, 1223  
 — v. New York (41 Hun [N. Y.] 299; 107 N. Y. 220; 13 N. E. 911) 2883  
 — v. New York Floating Dock Co. (77 N. Y. 448) 504  
 — v. People (65 Ill. 58; 16 Am. Rep. 569) 2802  
 — v. Scranton (23 Pa. Super. Ct. 276) 2932  
 — v. Sims (65 Ohio St. 211; 62 N. E. 120) 2538  
 — v. Telegraph Co. (176 N. Y. 163; 68 N. E. 146) 2999  
 Walston v. Louisville ([Ky.], 23 Ky. Law Rep. 1852; 66 S. W. 385) 332  
 — v. Nevin (128 U. S. 578) 2366, 2501, 2502, 2523  
 Waltemeyer v. Kansas City (71 Mo. App. 354) 3002  
 Walter v. Columbia (61 Ind. 24) 1013  
 — v. McClellan (113 N. Y. App. Div. 295; 99 N. Y. Supp. 78) 1222  
 — v. McClellan (48 N. Y. Misc. 215; 96 N. Y. Supp. 479) 2779  
 — v. Union (33 N. J. Law, 350) 233  
 Walters v. Duke (31 La. An. 668) 2470  
 — v. Marshalltown ([Iowa], 120 N. W. 1046; 26 L. R. A. n. s. 199) 3045  
 — v. Ottawa (240 Ill. 259; 88 N. E. 651, rev'g 144 Ill. App. 379) 2814, 2815, 2816, 2817  
 Waltham v. (Kemper (55 Ill. 346) 2856, 2951, 2958  
 Walther v. Chicago & W. I. R. Co. (117 Ill. App. 364, aff'd 215 Ill. 456; 74 N. E. 461) 2018  
 Waltman v. Rund (108 Ill. 366) 1706

[References are to pages]

Walton v. Cotton (19 How. [U. S.] 355)	757	Ward v. Newton (181 Mass. 432; 63 N. E. 1064)	2583
— v. Develing (61 Ill. 201)	650, 2729	— v. North Haven (43 Conn. 148)	2964
— v. McPhetridge (120 Cal. 440; 52 Pac. 731)	1315	— v. School Dist. (10 Neb. 293; 4 N. W. 1001; 35 Am. Rep. 477)	764
— v. New York (26 N. Y. App. Div. 76; 49 N. Y. Supp. 615)	1197	— v. State (48 Ala. 161; 17 Am. Rep. 31)	998
Walworth County Bank v. Farmers' L. & T. Co. (16 Wis. 629)	875	— v. Sweeney (106 Wis. 44; 82 N. W. 169)	2729
Wamesit Power Co. v. Allen (120 Mass. 352)	774, 1634	— v. Taylor County Court (51 W. Va. 102; 41 S. E. 154)	1013
Wammack v. Holloway (2 Ala. 31)	646, 649, 717, 1135, 2731	— v. Triple State Nat. Gas & Oil Co. (115 Ky. 723; 74 S. W. 709)	1913, 1914
Wampler v. State (148 Ind. 557; 47 N. E. 1068)	2708	Warden v. Fond du Lac County (14 Wis. 618)	2765
Wanser v. Hoos (60 N. J. L. 482; 38 Atl. 449; 64 Am. St. Rep. 600)	259, 265, 278, 281, 282, 321	— v. Philadelphia (167 Pa. St. 523; 31 Atl. 928)	1674
Wanstead Local Board of Health v. Hill (13 C. B. N. s. 479)	1038, 1039	Wardlaw v. New York (137 N. Y. 194; 33 N. E. 140)	806
Wanzer v. Blanchard (3 Mich. 11)	1763	Wardwell v. Jones (58 N. H. 305)	472
Waples v. Dubuque (116 Iowa, 167; 89 N. W. 194)	1394, 2625	Ware v. Hamilton Brown Shoe Co. (92 Ala. 145; 9 So. 136)	2327
Ward, <i>In re</i> (52 N. Y. 395)	2497	— v. Jerseyville (158 Ill. 234; 41 N. E. 736)	2504, 2547, 2562, 2566
— v. Bartholomew (6 Pick. [Mass.] 409)	1598	— v. Mobile County (209 U. S. 405, aff'g 146 Ala. 163; 41 So. 153; 14 L. R. A. n. s. 1081; 121 Am. St. Rep. 21)	2330
— v. Birmingham Water Works Co. (152 Ala. 285; 44 So. 570)	2211	Waring v. Mobile (24 Ala. 701)	625
— v. Boyd Pav. & Cont. Co. (79 Fed. Rep. 390)	273, 320	Warmolts v. Keegan (69 N. J. L. 186; 54 Atl. 813)	2658
— v. Cook (78 Ill. App. 111)	790, 1315	Warner v. Gunnison (2 Colo. App. 430; 31 Pac. 238)	1621, 1627, 1633, 1640
— v. Davis (3 Sandf. [N. Y.] 502)	1702	— v. Hoagland (51 N. J. L. 62; 16 Atl. 166)	127, 260, 283, 284, 291, 321
— v. District of Columbia (24 D. C. App. 524)	2971, 3000	— v. Knox (50 Wis. 429; 7 N. W. 372)	2581
— v. Forkner ([Cal.], 50 Pac. 713)	1292	— v. Mower (11 Vt. 385)	867
— v. Hartford County (12 Conn. 404)	471, 2857	— v. Myers (3 Oreg. 218)	2732
— v. Jefferson (24 Wis. 342)	2963, 2966, 2968, 3014	— v. New Orleans (167 U. S. 467)	1306
— v. Lee (7 E. & B. 426)	3054	— v. New Orleans (87 Fed. Rep. 829)	2578
— v. Little Rock (41 Ark. 526; 48 Am. Rep. 46)	1035	— v. Pelkes (8 Idaho, 333; 69 Pac. 64)	615
— v. Louisville (16 B. Mon. [Ky.] 184)	2850	— v. People (2 Denio [N. Y.] 272; 43 Am. Dec. 740)	171, 734
— v. Marshall (96 Cal. 155; 30 Pac. 1113; 31 Am. St. Rep. 198)	747	— v. People (7 Hill [N. Y.] 81)	728
— v. Maryland (12 Wall. [U. S.] 418)	2324, 2461, 2477	— v. Randolph (18 N. Y. App. Div. 458; 45 N. Y. Supp. 1112)	3020
— v. Metropolitan Elev. R. Co. (152 N. Y. 39; 46 N. E. 319, aff'g 82 Hun [N. Y.] 545; 31 N. Y. Supp. 527)	1966, 2040, 2041	Warnock v. Lafayette (4 La. An. 419)	850
— v. Morris (4 H. & McH. [Md.] 340)	2323	Warren v. Barber Asphalt Pav. Co. (115 Mo. 572; 22 S. W. 490, 621)	1204, 1205, 1222
— v. Mulford (32 Cal. 365)	492, 495, 496	— v. Boston (181 Mass. 6; 62 N. E. 951)	1197, 2451
— v. Newark & P. Turnp. Co. (20 N. J. L. 323)	2853		

[References are to pages]

- Warren *v.* Chandos (115 Cal. 382;  
 47 Pac. 132) 1213, 1237, 2450  
 — *v.* Charlestown (2 Gray  
 [Mass.] 84) 71, 72, 127, 619, 986,  
 987  
 — *v.* Davis (43 Ohio St. 447) 2814  
 — *v.* Ferguson (108 Cal. 535;  
 41 Pac. 417) 2454  
 — *v.* Geer (117 Pa. St. 207; 11  
 Atl. 415) 2323  
 — *v.* Grand Haven (30 Mich. 24)  
 1815, 2571, 2616  
 — *v.* Henly (31 Iowa, 31) 320, 1812,  
 2312, 2314, 2497, 2525, 2562, 2927  
 — *v.* Holyoke (112 Mass. 362) 2964  
 — *v.* Lyons City (22 Iowa, 351) 1758,  
 1759, 1760, 1762, 1771, 1838  
 — *v.* Mendenhall (77 Minn. 145;  
 79 N. W. 661) 1853  
 — *v.* Newport ([Ky.], 23 Ky.  
 Law Rep. 1006; 64 S. W. 852) 344  
 — *v.* Portsmouth Sav. Bank (97  
 U. S. 110) 1402  
 — *v.* Post (97 U. S. 110) 1402  
 — *v.* St. Paul & Pac. R. Co. (18  
 Minn. 384) 1670  
 — *v.* Van Nostrand (21 N. Y.  
 State Rep. 960; 3 N. Y. Supp.  
 151) 2780  
 — *v.* Wausau (66 Wis. 206; 28  
 N. W. 187) 1838  
 — *v.* Wisconsin, &c. R. Co. (6  
 Biss. C. C. 425) 1604  
 — *v.* Wright (3 Ill. App. 602) 2984,  
 2985, 3019  
 Warren Borough's Annexation  
 (168 Pa. St. 441; 32 Atl. 37, 38) 621  
 Warren County *v.* Klein (51 Miss.  
 807) 1318  
 — *v.* Lamkin (93 Miss. 123; 46  
 So. 497; 22 L. R. A. n. s. 920) 1888  
 — *v.* Marcy (97 U. S. 96) 1402, 1420,  
 1461, 1463, 1471  
 — *v.* Osburn (4 Ind. App. 590;  
 31 N. E. 541) 1148, 1200  
 — *v.* Patterson (56 Ill. 111) 1562,  
 1563, 1583  
 — *v.* Rand (88 Miss. 395; 40  
 So. 481) 2008  
 — *v.* State (15 Ind. 250) 2654  
 Warren Gas Light Co. *v.* Penn-  
 sylvania Gas Co. (161 Pa. 510;  
 29 Atl. 101) 2143  
 Warrensburg *v.* Miller (77 Mo. 56) 2452  
 Warren-Scharf Asphalt Pav. Co.  
*v.* St. Paul (69 Minn. 453; 72  
 N. W. 711) 1261  
 Warrin *v.* Baldwin (105 N. Y. 534;  
 12 N. E. 49) 2777, 2780  
 Warsaw *v.* Dunlap (112 Ind. 576;  
 11 N. E. 623; 14 N. E. 568) 2980,  
 2998, 3015  
 Warsaw Water Works Co. *v.* War-  
 saw (161 N. Y. 176; 55 N. E.  
 486) 2168  
 Warsop *v.* Hastings (22 Minn. 437)  
 642, 643  
 Wartman *v.* Philadelphia (33 Pa.  
 St. 202) 1073, 1075, 1079, 1866  
 Warwick *v.* Butterworth (17 Ind.  
 129) 1185  
 — *v.* Mayo (15 Gratt. [Va.] 528)  
 1136, 1657, 1795, 1797, 1847,  
 2799  
 Washburn *v.* Cass County (3 Dillon  
 C. C. R. 251) 1354, 1516  
 — *v.* Franklin (35 Barb. [N. Y.]  
 597) 1169  
 — *v.* Oshkosh (60 Wis. 453; 19  
 N. W. 364) 618, 2425  
 — *v.* Shelby County (104 Ind.  
 321; 3 N. E. 757; 54 Am. Rep.  
 332) 1148, 1200  
 — *v.* Washburn Waterworks  
 Co. (120 Wis. 575; 98 N. W.  
 539) 2175  
 Washburn College *v.* Shawnee  
 County (8 Kan. 344) 2443, 2446  
 Washburn Manuf. Co. *v.* Worces-  
 ter (116 Mass. 453) 3053  
 Washburn Water Works Co. *v.*  
 Washburn (129 Wis. 73; 108  
 N. W. 194) 2294  
 Washer *v.* Bullitt County (110 U.  
 S. 558) 1831, 1832  
 Washington *v.* Aetna (71 N. J. L.  
 433; 58 Atl. 1086) 625  
 — *v.* Finley (10 Ark. 423) 440  
 — *v.* Frank (1 Jones [N. Car.]  
 Law, 436) 1109  
 — *v.* Hammond (76 N. Car. 33) 965  
 — *v.* Harvard (8 Cush. [Mass.]  
 66) 2769  
 — *v.* Meigs (1 McArthur 53) 998,  
 1102  
 — *v.* Nashville (1 Swan [Tenn.]  
 177) 1084, 2504, 2563, 2608  
 — *v.* Small (86 Ind. 462) 2998  
 — *v.* State (13 Ark. 752) 2373, 2396  
 — *v.* Steiner (25 Pa. Super. Ct.  
 392) 1711, 1890, 1897  
 — *v.* Washington Water Co. (70  
 N. J. Eq. 254; 62 Atl. 390) 2205,  
 2221  
 Washington & G. R. Co. *v.* Glad-  
 mon (15 Wall. [U. S.] 401) 1981,  
 3004, 3017  
 Washington Avenue, *In re* (69 Pa.  
 St. 352) 1665, 1667, 2316, 2539, 2540,  
 2567, 2568, 2569, 2570  
 Washington Cemetery *v.* Prospect  
 Park & C. I. R. Co. (68 N. Y.  
 591) 1620, 1621  
 Washington County *v.* David  
 ([Neb.], 89 N. W. 737) 457, 1359,  
 1531

[References are to pages]

- Washington County *v.* Durant (9 Wall. [U. S.] 415) 2687, 2695, 2724  
 — *v.* Williams (111 Fed. Rep. 801) 457, 1335, 1359, 1364, 1393, 1395  
 Washington County Court *v.* McKee ([Ky.], 13 S. W. 909) 1320  
 Washington El. Veh. Transportation Co. *v.* District of Columbia (19 App. D. C. 462) 1086  
 Washington Ice Co. *v.* Chicago (147 Ill. 327; 35 N. E. 378) 1684  
 Washington National Bank *v.* Texas (20 Wall. [U. S.] 72) 1402  
 Washington Park Albany Com'rs, *In re* (56 N. Y. 144) 1651, 1652  
 Washington Park Club *v.* Chicago (219 Ill. 323; 76 N. E. 383) 2614  
 Washington Township *v.* First Nat. Bank (147 Mich. 571; 111 N. W. 349) 1301  
 Washington University *v.* Rowse (42 Mo. 308) 2444  
 Washle *v.* Nehan (97 Ky. 351; 41 S. W. 1040) 2527  
 Washougal & L. Transp. Co. *v.* Dallas, P. & A. Nav. Co. (27 Wash. 490; 68 Pac. 74) 494  
 Wasson *v.* Mitchell (18 Iowa, 153) 771  
 — *v.* Wayne County (49 Ohio St. 622; 32 N. E. 472; 17 L. R. A. 795) 2376  
 Watauga Water Co. *v.* Wolfe (99 Tenn. 429; 41 S. W. 1060; 63 Am. St. Rep. 841) 2214  
 Waterbury *v.* Deer Lodge County (10 Mont. 515; 26 Pac. 1002) 472, 742  
 — *v.* Laredo (60 Tex. 519) 2754  
 — *v.* Laredo (68 Tex. 565; 5 S. W. 81) 518, 1243, 1244  
 — *v.* Newton (50 N. J. L. 534; 14 Atl. 604) 1007  
 — *v.* Platt (75 Conn. 387; 53 Atl. 958; 60 L. R. A. 211; 96 Am. St. Rep. 229) 1645  
 — *v.* Platt Bros. & Co. (76 Conn. 435; 56 Atl. 856) 3053  
 — *v.* Schmitz (58 Conn. 522; 20 Atl. 606) 2593  
 Waterford *v.* Oxford County (59 Me. 450) 1768  
 Water, Light & Gas Co. *v.* Hutchinson (207 U. S. 385, aff'g 144 Fed. Rep. 256) 1973, 2159, 2160, 2164  
 — *v.* Hutchinson Interurban R. Co. (74 Kan. 661; 68 Pac. 883) 2775  
 Waterloo *v.* Union Mill Co. (59 Iowa, 437; 13 N. W. 433) 1718  
 — *v.* Union Mill Co. (72 Iowa, 437; 34 N. W. 197) 1888, 1896, 1902  
 Waterman *v.* Chicago & I. R. Co. (139 Ill. 658; 29 N. E. 689; 15 L. R. A. 418; 32 Am. St. Rep. 228) 743, 748  
 — *v.* New York (7 Daly [N. Y.] 489) 740  
 Waterous Engine Co. *v.* Palmerston (20 Ont. Rep. 411; 19 Ont. App. 47) 1156  
 Waters *v.* Bay View (61 Wis. 642; 21 N. W. 811) 3044, 3054  
 — *v.* Bonvouloir (172 Mass. 286; 52 N. E. 500) 2774  
 — *v.* Leech (3 Ark. 110) 925, 1096  
 — *v.* New York (101 N. Y. App. Div. 196; 88 N. Y. Supp. 238; 92 N. Y. Supp. 1149) 804  
 — *v.* Philadelphia (208 Pa. 189; 57 Atl. 523) 1695, 1707, 1710, 1713, 1715, 1746  
 — *v.* State (117 Ala. 189; 23 So. 28) 440, 441  
 Waters-Pierce Oil Co. *v.* Hot Springs (85 Ark. 509; 109 S. W. 293; 16 L. R. A. n. s. 1035) 2462, 2476  
 — *v.* McElroy ([Tex. Civ. App.], 47 S. W. 272) 1082  
 — *v.* Texas (177 U. S. 28) 2353  
 Watertown *v.* Cady (20 Wis. 501) 2679  
 — *v.* Cowen (4 Paige [N. Y.] 510) 1747, 1786  
 — *v.* Fairbanks (65 N. Y. 588) 138, 1816  
 — *v.* Mayo (109 Mass. 315; 12 Am. Rep. 694) 556, 1048, 1107  
 — *v.* Robinson (69 Wis. 230; 34 N. W. 139) 2703  
 — *v.* Rodenbaugh (112 N. Y. App. Div. 723; 98 N. Y. Supp. 885) 931  
 Watertown Board of Public Works, Matter of (144 N. Y. 440; 39 N. E. 387) 1809  
 Waterville *v.* Kennebec County (59 Me. 80) 2317  
 Watervliet *v.* Colonie (27 N. Y. App. Div. 394; 50 N. Y. Supp. 487) 602, 623  
 Watkins *v.* Eureka Springs (49 Ark. 131; 4 S. W. 384) 1308  
 — *v.* Griffith (59 Ark. 344; 27 S. W. 234) 2374  
 — *v.* Lynch (71 Cal. 21; 11 Pac. 808) 1733  
 — *v.* Milwaukee (52 Wis. 98; 8 N. W. 823; s. c. 55 Wis. 335; 13 N. W. 222) 2497  
 — *v.* Mooney ([Ky.], 71 S. W. 622) 666  
 — *v.* Venable (99 Va. 440; 39 S. E. 147) 2741

## TABLE OF CASES CITED

471

[References are to pages]

- Watkins v. Zwietusch (47 Wis. 513; 3 N. W. 35) 2497  
 Watson v. Aquackanonck Water Co. (36 N. J. L. 195) 1646  
 — v. Appleton (62 Wis. 267; 22 N. W. 475) 2822  
 — v. Carver (27 App. D. C. 555) 1686, 1724, 1725  
 — v. Chicago (115 IH. 78; 3 N. E. 430) 2547  
 — v. Fairmount & S. R. Co. (49 W. Va. 528; 39 S. E. 193) 1664, 1974  
 — v. Huron (97 Fed. Rep. 449) 1295, 1297, 1298, 1309, 1335  
 — v. Kingston (114 N. Y. 88; 21 N. E. 102) 3039, 3048, 3050  
 — v. McGrath (111 La. 1097; 36 So. 204) 666  
 — v. Mercer (8 Pet. [U. S.] 88) 1526  
 — v. Needham (161 Mass. 404; 37 N. E. 204; 24 L. R. A. 287) 2845  
 — v. Peters (26 Mich. 508) 486  
 — v. Pittsburgh & C. R. Co. (37 Pa. St. 469) 1682  
 — v. Plainfield (60 N. J. L. 260; 37 Atl. 615) 2793  
 — v. South Kingston (5 R. I. 562) 1643  
 — v. Tripp (11 R. I. 98; 23 Am. Rep. 420) 3023, 3035  
 — v. Turnbull (32 La. An. 856) 506  
 Watters v. Waterloo (126 Iowa, 199; 101 N. W. 871) 2969  
 Watterson v. Nashville (106 Tenn. 410; 61 S. W. 782) 1230  
 Wattles v. Lapeer (40 Mich. 624) 2457, 2827  
 — v. People (13 Mich. 446) 773  
 Watts v. Carrol Par. Pol. Jury (11 La. An. 141) 2708, 2709  
 — v. New York City (133 N. Y. App. Div. 400; 117 N. Y. Supp. 612) 2816  
 — v. Scott (1 Dev. [N. Car.] 291) 983  
 — v. United States (129 Fed. Rep. 222) 1317  
 Waugh v. Leech (28 Ill. 488) 1694, 1706, 1707, 1723, 1802  
 Waukegan v. Burnett (234 Ill. 460; 84 N. E. 1061) 2548  
 Waupun v. Moore (34 Wis. 450; 17 Am. Rep. 446) 1107  
 Wauwatosa v. Dretzer (116 Wis. 117; 92 N. W. 551) 1786  
 Waverly v. Auditor (100 Ill. 354) 2765  
 — v. Henry (67 Ill. App. 407) 3001  
 — v. Reesor (93 Ill. App. 649) 3000  
 — v. Waverly Water Co. (117 N. Y. App. Div. 336; 101 N. Y. Supp. 1070, aff'd 189 N. Y. 555; 82 N. E. 1133) 2195  
 — v. Waverly Water Co. (127 N. Y. App. Div. 440; 111 N. Y. Supp. 541) 2195  
 Waverly Water Works Co., *Inc.* (16 Hun [N. Y.] 57) 1652  
 Waxahatchie v. Brown (67 Tex. 519; 4 S. W. 207) 538, 547, 1341  
 Way's Case (41 Mich. 299; 1 N. W. 1021) 1099  
 Waycross v. Honk (113 Ga. 963; 39 S. E. 577) 3056  
 Wayland v. Middlesex County (4 Gray [Mass.] 500) 1633, 2117, 2118  
 Waymire v. Powell (105 Ind. 328; 4 N. E. 886) 1149, 1150  
 Wayne County v. Benoit (20 Mich. 176) 743, 745, 748, 790  
 — v. Detroit (17 Mich. 390) 971, 976, 978, 1184  
 — v. Helton (79 Miss. 122; 29 So. 820) 1889  
 — v. Miller (31 Mich. 447) 1724, 1735, 1736  
 Wayne County Sav. Bank v. Gas City Land Co. (156 Ind. 662; 59 N. E. 1048) 2625  
 Wayne County Turnp. Co. v. Berry (5 Ind. 286) 1832, 1833  
 Wayzata v. Great Northern R. Co. (50 Minn. 438; 52 N. W. 913) 1899, 1982, 1983  
 Wead v. Omaha (73 Neb. 321; 102 N. W. 675) 2530  
 Weage v. Chicago & W. I. R. Co. (227 Ill. 421; 81 N. E. 424; 11 L. R. A. n. s. 589) 2064  
 Weatherhead v. Cody ([Ky.], 85 S. W. 1099) 885  
 Weathersby v. Jordan (124 Ga. 68; 52 S. E. 83) 2798  
 Weaver v. Canon Sewer Co. (18 Colo. App. 242; 70 Pac. 953) 2612  
 — v. Devendorf (3 Denio [N. Y.] 117) 919, 2795  
 — v. Ogden City (111 Fed. Rep. 323) 468  
 — v. San Francisco (111 Cal. 319; 43 Pac. 972) 346, 412, 415  
 — v. State (39 Ala. 535) 2765  
 — v. State (89 Ga. 639; 15 S. E. 840) 2470  
 Weaver's Estate v. State (110 Iowa, 328; 81 N. W. 603) 2412  
 Webb v. Bell (22 N. Y. App. Div. 314; 47 N. Y. Supp. 989) 2780  
 — v. Burlington (28 Vt. 188) 2438  
 — v. Butler County (52 Kan. 375; 34 Pac. 973) 1897  
 — v. Demopolis (95 Ala. 116; 13 So. 289; 21 L. R. A. 62) 491, 510, 1731, 1896, 1902, 1903  
 — v. Detroit Board of Health (116 Mich. 516; 74 N. W. 734; 72 Am. St. Rep. 541) 2896

## TABLE OF CASES CITED

[References are to pages]

- Webb v. Herne Bay Com'rs (L. R. 5 Q. B. C. 642) 1420, 2712  
 — v. Lafayette County (67 Mo. 353) 658, 1545  
 — v. Moler (8 Ohio, 552) 1762  
 — v. Neal (5 Allen [Mass.] 575) 1569  
 — v. New York (64 How. [N. Y.] Pr. Rep. 10) 189  
 — v. Port Bruce Harbor Co. (19 Upper Can. Q. B. 626) 516  
 — v. Ritter (60 W. Va. 193; 54 S. E. 484) 2359  
 Webb City v. Parker (103 Mo. App. 295; 77 S. W. 119) 988  
 Webb City, etc. Water Works v. Carterville (142 Mo. 101; 43 S. W. 625; s. c. 153 Mo. 128; 54 S. W. 557) 359, 416, 417  
 Webb City & C. Waterworks Co. v. Webb City (78 Mo. App. 422) 2114  
 Webber v. Chicago (148 Ill. 313; 36 N. E. 70) 997  
 — v. Davis (5 Allen [Mass.] 393) 678  
 — v. Eastern R. R. Co. (2 Met. [Mass.] 149) 1825  
 — v. Gray (24 Wend. [N. Y.] 485) 774  
 — v. Pere Marquette Boom Co. (62 Mich. 626; 30 N. W. 469) 486  
 — v. Toledo (23 Ohio C. C. 237) 1662, 1709  
 — v. Virginia (103 U. S. 344) 2324, 2325, 2337  
 Webb Granite & Const. Co. v. Worcester (187 Mass. 385; 73 N. E. 639) 1178  
 Weber v. Buffalo Ry. Co. (20 N. Y. App. Div. 292; 47 N. Y. Supp. 7) 768  
 — v. California Harbor Com'rs (18 Wall. [U. S.] 57) 474, 475, 476, 481, 483, 490, 492, 497, 501, 502, 504, 514  
 — v. Harrisburg (216 Pa. 117; 64 Atl. 905) 2892  
 — v. Iowa City (119 Iowa, 633; 93 N. W. 637) 1709, 1744, 1903  
 — v. Johnson (37 Mo. App. 601) 909  
 — v. Lee County (6 Wall. [U. S.] 210) 2679, 2695  
 — v. Lockman (66 Neb. 469; 92 N. W. 591; 60 L. R. A. 313) 2363  
 — v. Reinhard (73 Pa. 370; 13 Am. Rep. 747) 2425, 2540  
 — v. San Francisco (1 Cal. 455) 2790, 2833  
 — v. Schergens (59 Mo. 389) 2563  
 — v. Traubel (95 Ill. 427) 2456  
 — v. Zimmerman (23 Md. 45) 2721, 2723  
 Webster v. Beaver Dam (84 Fed. Rep. 280) 2819, 2985  
 Webster v. Bell (68 Fed. Rep. 183) 2343  
 — v. Douglas County (102 Wis. 181; 77 N. W. 885; 78 N. W. 451; 72 Am. St. Rep. 870) 1298, 2764, 2785  
 — v. Fargo (181 U. S. 394, aff'g 9 N. Dak. 208; 82 N. W. 732; 56 L. R. A. 156) 2521, 2523, 2524, 2528, 2535  
 — v. Harwinton (32 Conn. 131) 26, 70, 157, 2768, 2769  
 — v. Kings County Trust Co. (80 Hun [N. Y.] 420; 30 N. Y. Supp. 357, aff'd 145 N. Y. 275; 39 N. E. 964) 1966, 2041  
 — v. Lansing (47 Mich. 192; 10 N. W. 196) 977  
 — v. Lincoln (56 Neb. 502; 76 N. W. 1076) 1899  
 — v. Lowell (142 Mass. 324; 8 N. E. 54) 1841  
 — v. People (98 Ill. 343) 2399  
 Webster County v. Taylor (19 Iowa, 117) 1296, 1297  
 Weckler v. Chicago (61 Ill. 142) 1646, 1665  
 Weddle v. Frederick County School Commissioners (94 Md. 334; 51 Atl. 289) 2889  
 Wednesday v. Lodge Holes Colliery Co. ([1907], 1 K. B. 78, rev'g [1905] 2 K. B. 823) 1692  
 Weed v. Balston (76 N. Y. 329) 2903, 2972, 2997, 3001  
 — v. Boston (172 Mass. 28; 51 N. E. 204; 42 L. R. A. 642) 2493, 2530, 2535, 2568, 2616  
 — v. Greenwich (45 Conn. 170) 2857, 2875  
 Weekes v. Galveston (21 Tex. Civ. App. 102; 51 S. W. 544) 1593  
 Weekly Wage Act, *In re* (163 Mass. 589; 40 N. E. 713) 205, 207  
 Weeks v. Forman (16 N. J. L. 237) 975, 1119, 1121, 1133  
 — v. Gilmanton (60 N. H. 500) 439  
 — v. McNulty (101 Tenn. 495; 48 S. W. 809; 43 L. R. A. 185; 70 Am. St. Rep. 693) 1071  
 — v. Middletown (107 N. Y. App. Div. 587; 95 N. Y. Supp. 352) 2608  
 — v. Milwaukee (10 Wis. 242) 2405, 2407, 2446, 2447, 2497, 2503, 2529, 2562, 2563, 2576, 2931, 3045, 3046  
 — v. Needham (156 Mass. 289; 31 N. E. 8) 766  
 — v. New York & N. J. Tel. Co. (86 N. Y. App. Div. 257; 83 N. Y. Supp. 678) 1928, 1929  
 — v. Shirley (33 Me. 271) 3005  
 Weems Steamboat Co. v. People's



(References are to pages)

- Steamboat Co. (141 Fed. Rep. 454) 478  
 Weeping Water v. Reed (21 Neb. 261; 31 N. W. 797) 1751, 1756, 1793  
 Weesner v. Central Nat. Bank (106 Mo. App. 668; 80 S. W. 319) 667  
 Weet v. Brockport (16 N. Y. 161) 183, 2867, 2914, 2975, 2993, 3010  
 Weger v. Delran (61 N. J. L. 224; 39 Atl. 730) 1747  
 Wegmann v. Jefferson (61 Mo. 55) 2926  
 Wehmer v. Hamilton County (11 Ohio Dec. 190) 2831  
 Wehn v. Gage County (5 Neb. 494; 25 Am. Rep. 497) 65, 2858  
 Weida v. Hanover (30 Pa. Super. Ct. 424) 1707, 1730, 1738  
 Weidman v. New York (176 N. Y. 586; 68 N. E. 1125) 2998, 3052, 3055  
 Weigand v. District of Columbia (22 App. D. C. 559) 925  
 Weightman v. Clark (103 U. S. 256) 2388, 2390, 2397  
 — v. Washington (1 Black [U. S.] 39) 183, 2855, 2856, 2992, 3014, 3019  
 Weil v. Ricord (24 N. J. Eq. 169) 1028, 1031  
 Weiland v. Ashton (17 S. Dak. 621; 98 N. W. 87) 623  
 Weinman v. Wilkesburg & E. L. P. R. Co. (118 Pa. 192; 12 Atl. 288) 277, 278  
 Weir v. Day (35 Ohio St. 143) 2764  
 — v. Plymouth Borough (148 Pa. St. 566; 24 Atl. 94) 765, 3044  
 — v. St. Paul, S. & T. F. R. Co. (18 Minn. 155) 1669, 1670, 1681  
 Weis v. Madison (75 Ind. 241; 39 Am. Rep. 135) 2924, 3049, 3052, 3060, 3061  
 Weisbrod v. Chicago & N. W. Ry. Co. (18 Wis. 35; 86 Am. Dec. 743) 1695, 1713, 1743  
 — v. Chicago & N. W. R. Co. (21 Wis. 602) 1796  
 Weisenberg v. Appleton (26 Wis. 56; 7 Am. Rep. 39) 2975, 3000, 3005, 3016, 3020  
 — v. Truman (58 Cal. 63) 1755  
 — v. Winneconne (56 Wis. 667; 14 N. W. 871) 2859, 2957  
 Weisner v. Douglas (64 N. Y. 91; 21 Am. Rep. 586) 222, 226, 579, 583, 1641, 2312, 2314, 2654, 2809  
 Weiss v. South Bethlehem (136 Pa. 294; 20 Atl. 801) 1713, 1714  
 — v. Taylor (144 Ala. 440; 39 So. 519) 1737, 1790, 1896, 1902  
 Weiss v. Detroit (105 Mich. 482; 63 N. W. 423) 2985  
 Weitz v. Des Moines Independent District (87 Iowa, 81; 54 N. W. 70) 1143  
 Welch v. Boston (126 Mass. 442) 556  
 — v. Bowen (103 Ind. 252; 2 N. E. 722) 919  
 — v. Cook (97 U. S. 541) 2320  
 — v. Hotchkiss (39 Conn. 140; 12 Am. Rep. 383) 996, 999, 1108  
 — v. Marion (48 Ala. 291) 2831  
 — v. Mastin (98 Mo. App. 273; 71 S. W. 1090) 980  
 — v. Milwaukee & St. P. R. Co. (27 Wis. 108) 1677  
 — v. People (2 Doug. [Mich.] 332) 1131  
 — v. Portland (77 Me. 384) 3019  
 — v. Post (99 Ill. 471) 580  
 — v. State (164 Ind. 104; 72 N. E. 1043) 2654  
 — v. Sta. Genevieve (1 Dillon, 130) 588, 590, 591, 597, 601, 834, 840, 843, 2695, 2699  
 — v. Stowell (2 Doug. [Mich.] 332) 1039, 1041, 1043  
 — v. Swasey (193 Mass. 364; 79 N. E. 745; 23 L. R. A. n. s. 1221) 1062  
 Weld v. Androscoggin Boom Prop. (6 Me. 93) 2853  
 — v. Gas & Elect. Light Com'rs (197 Mass. 556; 84 N. E. 101) 2207  
 — v. People (149 Ill. 257; 36 N. E. 1006) 2608  
 — v. Lancaster (56 Me. 453) 1166  
 Welde v. New York & H. R. Co. (28 N. Y. App. Div. 379; 51 N. Y. Supp. 290) 2044  
 Weldin v. Wilmington (3 Del. 472; 51 Atl. 157) 435  
 Welker v. Potter (18 Ohio St. 85) 97, 129, 1647, 1649, 2452, 2608  
 Welland County v. Buffalo & L. H. R. Co. (30 Up. Can. Q. B. 147; s. c. 31 Up. Can. Q. B. 539) 1659  
 Wellborn v. Muller (84 Miss. 727; 36 So. 544) 621  
 Wellcome v. Leeds (51 Me. 313) 2080, 2081, 3034  
 Weller v. Gadsden (141 Ala. 642; 37 So. 682) 2130, 2134  
 — v. Goble (66 Iowa, 113; 23 N. W. 290) 1265  
 — v. McCormick (47 N. J. L. 397; 1 Atl. 516; 54 Am. Rep. 175) 2985  
 — v. McCormick (52 N. J. L. 470; 19 Atl. 1101; 8 L. R. A. 798) 1860, 1863, 3029  
 Welles v. Battelle (11 Mass. 477) 877  
 Wellington, Petitioner (16 Pick. [Mass.] 87; 26 Am. Dec. 631) 1564

## TABLE OF CASES CITED

[References are to pages]

- Wellington *v.* Gregson (31 Kan. 99; 1 Pac. 253) 2991, 2998  
 — *v.* Waterloo (8 Upper Can. C. P. 358) 621  
 — *v.* Wellington Township (46 Kan. 213; 26 Pac. 415) 1563  
 Wellington County *v.* Wilmot Tp. (17 Upper Can. Q. B. 82) 621  
 — *v.* Wilson (14 Upper Can. Com. Pl. 299; s' c. 16 Upper Can. Com. Pl. 124) 1793, 1794, 2945, 2952  
 Wells, *Ex parte* (21 Fla. 280) 104  
 — *v.* Atlanta (43 Ga. 67) 458, 1139, 2113  
 — *v.* Brooklyn (9 N. Y. App. Div. 61; 41 N. Y. Supp. 143; s. c. 21 N. Y. App. Div. 626; 47 N. Y. Supp. 1151; s. c. 45 N. Y. App. Div. 623; 60 N. Y. Supp. 802, aff'd 162 N. Y. 657; 57 N. E. 1128) 2960, 2970  
 — *v.* Burbank (17 N. H. 393) 121  
 — *v.* Burnham (20 Wis. 112) 1198, 1212, 2596  
 — *v.* County Com'rs (79 Me. 522; 11 Atl. 417) 1768  
 — *v.* Foster (8 M. & W. 149) 743  
 — *v.* McLaughlin (17 Ohio, 99) 1803  
 — *v.* Mason (23 W. Va. 456) 2679  
 — *v.* Montcalm Circuit Judge (139 Mich. 544; 102 N. W. 1001) 2652  
 — *v.* Mt. Olivet (126 Ky. 131; 102 S. W. 1182; 11 L. R. A. n. s. 1080) 865, 928, 929, 1084, 1853  
 — *v.* People (201 Ill. 435; 66 N. E. 210) 1215, 1216, 1217  
 — *v.* Pontotoc County (102 U. S. 625) 544, 580, 581, 1350, 1375, 1516  
 — *v.* Pressy (105 Mo. 164; 16 S. W. 670) 1597  
 — *v.* Ragsdale (102 Ga. 53; 29 S. E. 165) 657  
 — *v.* Salina (119 N. Y. 280; 23 N. E. 870; 7 L. R. A. 759) 535, 1347  
 — *v.* Savannah (181 U. S. 531) 2448  
 — *v.* Sioux Falls (16 S. Dak. 547; 94 N. W. 425) 435, 1384  
 — *v.* Torrey (144 Mich. 689; 108 N. W. 423) 996, 1020, 1021  
 — *v.* West Bay City Board of Education (78 Mich. 260; 44 N. W. 267) 775  
 — *v.* Weston (22 Mo. 384; 66 Am. Dec. 627) 2317  
 — *v.* Wood (114 Cal. 255; 46 Pac. 96) 2454  
 Wells County *v.* McHenry (7 N. Dak. 246; 74 N. W. 241) 2365  
 Wells County Road, *In re* (7 Ohio St. 16) 1668  
 Wells Fargo & Co. *v.* Crawford County (63 Ark. 576; 40 S. W. 710; 37 L. R. A. 371) 2344  
 Wellston *v.* Morgan (59 Ohio St. 147; 52 N. E. 127) 2156  
 — *v.* Morgan (65 Ohio St. 219; 62 N. E. 127) 1155, 1170, 1193  
 Welsford *v.* Weidlein (23 Kan. 601) 1015, 2596  
 Welsh *v.* Beaver Falls (186 Pa. 578; 40 Atl. 784) 2170, 2171  
 — *v.* Bramlet (98 Cal. 219; 33 Pac. 66) 260, 263, 265, 324  
 — *v.* Mahaska County (23 Iowa, 199) 2659  
 — *v.* Rutland (56 Vt. 228) 2895  
 — *v.* St. Louis (73 Mo. 71) 3023  
 — *v.* Wilson (101 N. Y. 254; 4 N. E. 633; 54 Am. Rep. 698) 1861, 1862  
 Welton *v.* Missouri (91 U. S. 275) 2324, 2337, 2474  
 Weltsch *v.* Stark (65 Minn. 5; 67 N. W. 648) 2855  
 Wendel *v.* State (62 Wis. 300; 22 N. W. 435) 2214  
 Wendell *v.* Brooklyn (29 Barb. [N. Y.] 204) 740  
 — *v.* Newark (63 N. J. L. 216; 42 Atl. 767) 815  
 — *v.* Troy (39 Barb. [N. Y.] 329) 3010, 3012, 3024  
 Wendover *v.* Lexington (15 B. Mon. [Ky.] 258) 2463  
 Wenger *v.* Fisher (55 W. Va. 13; 46 S. E. 695) 2753  
 Wenk *v.* New York (171 N. Y. 607; 64 N. E. 509) 2777  
 Wenner *v.* Perry Board of Education ([Okla.], 106 Pac. 821) 2707  
 Went *v.* Methodist Prot. Church (80 Hun [N. Y.] 266; 30 N. Y. Supp. 157, aff'd 150 N. Y. 577; 44 N. E. 1129) 1032  
 Wentink *v.* Freeholders of Passaic (66 N. J. L. 65; 48 Atl. 609) 1184, 2297  
 Wentworth *v.* Hamilton (34 Upper Can. Q. B. 585) 1156, 1188, 1189  
 — *v.* Jefferson (60 N. H. 168) 3004  
 Werges *v.* St. Louis, C. & N. O. R. Co. (35 La. An. 641) 2010  
 Werner, *In re* (129 Cal. 567; 62 Pac. 97) 60, 62, 63, 2395  
 — *v.* Galveston (72 Tex. 22; 7 S. W. 726; 12 S. W. 159) 660  
 — *v.* Rochester (77 Hun [N. Y.] 33; 28 N. Y. Supp. 226, aff'd 149 N. Y. 563; 44 N. E. 300) 2816, 2820  
 Wertheimer *v.* Boonville (29 Mo. 254) 1136  
 Werth *v.* Springfield (78 Mo. 107) 2927, 2947

[References are to pages]

- Werts v. Rogers* (56 N. J. L. 480; 28 Atl. 726; 29 Atl. 173) 2729  
*Wesch v. Detroit Common Council* (107 Mich. 149; 64 N. W. 1051) 735  
*Wesley v. Detroit* (117 Mich. 658; 76 N. W. 104) 2966  
*Wesleyan Academy v. Wilbraham* (99 Mass. 599) 2446  
*Wessman v. Brooklyn* (133 N. Y. 677; 31 N. E. 626) 3054  
*Wesson v. Mt. Vernon* (98 Fed. Rep. 804) 1461, 1503  
— *v. Saline County* (73 Fed. Rep. 917) 1461, 1463, 1484  
*West v. Bancroft* (32 Vt. 367) 1826, 1830  
— *v. Berry* (98 Ga. 402; 25 S. E. 508) 1143, 1149  
— *v. Blake* (4 Blackf. [Ind.] 234) 440, 1644  
— *v. Chehalis* (12 Wash. 369; 41 Pac. 171; 50 Am. St. Rep. 896) 404, 432  
— *v. Eau Claire* (89 Wis. 31; 61 N. W. 313) 3020  
— *v. Foreman* (21 Ala. 400) 1293  
— *v. Greenville* (39 Ala. 69) 1012  
— *v. Lynn* (110 Mass. 514) 2988  
— *v. New York* (10 Paige [N. Y.] 539) 990, 2753  
— *v. Porter* (89 Mo. App. 150) 2451  
— *v. Utica* (71 Hun [N. Y.] 540; 24 N. Y. Supp. 1075) 2776, 2777, 2780  
*West Bath v. Lincoln County Com'rs* (36 Me. 74) 882  
*Westberg v. Kansas City* (64 Mo. 493) 790  
*West Boston Bridge v. Middlesex County* (10 Pick. [Mass.] 269) 1614  
*Westbrook v. Middlecoff* (99 Ill. App. 327) 2754  
*West Carroll v. Gaddis* (34 La. An. 928) 626, 1582, 1758  
*Westchester v. Apple* (35 Pa. St. 284) 3023, 3033  
*West Chester v. West Chester St. R. Co.* (203 Pa. 201; 52 Atl. 252) 2081  
*West Chester Gas Co. v. Chester County* (30 Pa. 232) 2419, 2420  
*West Chicago M. Assoc. v. Cohn* (192 Ill. 210; 61 N. E. 439; 85 Am. St. Rep. 327) 1872, 1873  
*West Chicago Park Com'rs v. Baldwin* (162 Ill. 87; 44 N. E. 404) 2399  
— *v. Chicago* (152 Ill. 392; 38 N. E. 697) 2391, 2578  
— *v. Chicago* (170 Ill. 618; 48 N. E. 1066) 1837  
— *v. Chicago* (216 Ill. 54; 74 N. E. 771) 311  
*West Chicago Park Com'rs v. Farber* (171 Ill. 146; 49 N. E. 427) 2391, 2548, 2637  
— *v. Kincade* (64 Ill. App. 113) 1230  
— *v. McMullen* (134 Ill. 170; 25 N. E. 679; 10 L. R. A. 215) 202, 203, 291, 310, 1770, 1799, 1820, 2391  
— *v. Metropolitan W. S. El. R. Co.* (182 Ill. 246; 55 N. E. 344) 2638  
— *v. Sweet* (167 Ill. 326; 47 N. E. 728) 2391  
— *v. Western Granite Co.* (200 Ill. 527; 66 N. E. 37) 1274, 1275, 1276  
— *v. Western Un. Tel. Co.* (103 Ill. 33) 1644, 1746, 2391  
*West Chicago R. Co. v. Chicago* (178 Ill. 339; 53 N. E. 112) 2592  
*West Chicago Street R. Co. v. Chicago* (201 U. S. 506) 497, 500  
— *v. Chicago* (172 Ill. 198; 50 N. E. 185) 1674  
— *v. People* (156 Ill. 18; 40 N. E. 605) 2609  
*West Coast Imp. Co. v. Winsor* (8 Wash. 490; 36 Pac. 441) 494  
*Westcott v. Boston* (186 Mass. 540; 72 N. E. 89) 3042  
*West Covington v. Freking* (8 Bush [Ky.] 121) 1717, 1795  
— *v. Schultz* ([Ky.] 16 Ky., Law R. 831; 30 S. W. 410, 660) 2526  
*West End v. Eaves* (152 Ala. 334; 44 So. 588) 1703, 1708, 1746  
— *v. State* (138 Ala. 295; 36 So. 423) 2734  
*Westerhaven v. Clive* (5 Ohio, 136) 885  
*Westerly Water Works v. Westerly* (75 Fed. Rep. 181) 2158, 2159, 2258  
*Western & A. R. Co. v. Atlanta* (113 Ga. 537; 38 S. E. 996) 1035, 1038, 1045, 1047  
— *v. Hix* (104 Ga. 11; 30 S. E. 824) 988  
*Western Assur. Co. v. Halliday* (126 Fed. Rep. 257) 2439  
*Western Ave. (7 Pa. County Ct. R. 233)* 1630  
*Western College v. Cleveland* (12 Ohio, 375) 183, 1180, 2839, 2847, 2849  
*Western Lunatic Asylum v. Miller* (29 W. Va. 326; 1 S. E. 740; 6 Am. St. Rep. 644) 1895  
*Western Md. R. Co. v. Owings* (15 Md. 199; 74 Am. Dec. 563) 1657  
*Western Pav. & Supply Co. v. Citizens' St. R. Co.* (128 Ind. 525; 26 N. E. 188; 28 N. E. 88; 10 L. R. A. 770; 25 Am. St. Rep. 462) 1985, 2078, 2079

## TABLE OF CASES CITED

A [References are to pages]

- Western P. R. Co., Appeal of (99 Pa. St. 155) 1972
- Western R. Co. v. Nolan (48 N. Y. 513) 2794
- Western Sav. Fund Soc. v. Philadelphia (31 Pa. St. 175; 72 Am. Dec. 730) 182, 186, 193, 199, 200, 464, 1172, 1234, 1513, 2134, 2845, 2866, 2905, 2913
- Western Town Lot Co. v. Lane (7 S. Dak. 1; 62 N. W. 982; s. c. 7 S. Dak. 599; 65 N. W. 17) 357, 380, 403, 1292, 1304, 1310
- Western Union Tel. Co. v. Alabama (132 U. S. 472, rev'g 80 Ala. 273) 2348, 2349
- v. American Un. Tel. Co. (9 Biss. C. C. 72) 1925
- v. Ann Arbor R. Co. (178 U. S. 239) 1926
- v. Atlantic T. P. Tel. Co. (5 Nev. 102) 1926
- v. Fremont (39 Neb. 692; 58 N. W. 415; s. c. 43 Neb. 499; 61 N. W. 724; 26 L. R. A. 698) 1926, 2348, 2349, 2468
- v. Guernsey & S. Elect. L. Co. (46 Mo. App. 120) 1986
- v. Kansas (216 U. S. 1) 2330, 2331, 2332, 2347, 2348, 2357
- v. Lieb (76 Ill. 172) 2354
- v. Los Angeles Elect. Co. (76 Fed. Rep. 178) 1986
- v. Massachusetts (125 U. S. 530) 1925, 2333, 2334, 2349, 2351
- v. Missouri (190 U. S. 412, aff'g 165 Mo. 502; 65 S. W. 775) 2333, 2350
- v. Myatt (98 Fed. Rep. 335) 2227, 2259, 2260
- v. New Hope (187 U. S. 419) 1003, 1924, 2074
- v. New York (38 Fed. Rep. 552; 3 L. R. A. 449) 1924, 1926, 2069, 2070
- v. Norman (77 Fed. Rep. 13) 2349
- v. Pendleton (122 U. S. 347) 2330, 2347
- v. Pennsylvania R. Co. (195 U. S. 540) 1605, 1926
- v. Pennsylvania R. Co. (195 U. S. 594) 1926
- v. Philadelphia (22 Weekly N. C. [Pa.] 39; 21 Am. & Eng. Corp. Cases, 40) 2075
- v. Polhemus (167 Fed. Rep. 231) 1928
- v. Shepard (169 N. Y. 170; 62 N. E. 154) 1776, 2041
- v. State (146 Ind. 54; 44 N. E. 793) 2349
- v. State (147 Ind. 274; 45 N. E. 473) 2349
- Western Union Tel. Co. v. State (64 N. H. 285; 9 Atl. 547) 2484
- v. State (55 Tex. 314) 2484
- v. State (62 Tex. 630) 2348
- v. Syracuse Elect. L. & P. Co. (178 N. Y. 325; 70 N. E. 866) 1988, 1989
- v. Taggart (163 U. S. 1) 2333, 2334, 2349, 2409
- v. Texas (105 U. S. 460, rev'g 55 Tex. 314) 1924, 1925, 2332, 2337, 2346, 2348
- v. Visalia (149 Cal. 744; 87 Pac. 1023) 1924
- v. Wakefield (69 Neb. 272; 95 N. W. 659) 2349
- v. Williams (86 Va. 696; 11 S. E. 106; 8 L. R. A. 829; 19 Am. St. Rep. 908) 1928
- Westfall v. Hunt (8 Ind. 174) 1708, 1709, 1753
- Westfield v. Mayo (122 Mass. 100) 3033
- Westfield Gas & Milling Co. v. Mendenhall (142 Ind. 538; 41 N. E. 1033) 2236
- West Gwillimbury v. Hamilton & N. W. R. Co. (23 Grant [Can.] 383) 2768
- West Hartford v. Hartford Water Com'rs (44 Conn. 360) 2117, 2118, 2432
- West Jersey & S. R. Co. v. Bridgeton (64 N. J. L. 189; 44 Atl. 848) 1094
- West Jersey R. Co. v. Camden, G. & W. R. Co. (52 N. J. Eq. 31; 29 Atl. 423) 2007
- v. Cape May & S. L. R. Co. (34 N. J. Eq. 164) 2002
- West Jersey Traction Co. v. Camden Board of Works (56 N. J. Law, 431; 29 Atl. 163) 771, 1144, 1147
- v. Camden H. R. Co. (52 N. J. Eq. 452; 29 Atl. 333) 765
- v. Shivers (58 N. J. L. 124; 33 Atl. 55) 897
- West Kentucky Tel. Co. v. Pharis ([Ky.], 78 S. W. 917) 2998, 3001, 3015
- Westlake v. St. Louis (77 Mo. 47) 2831
- Westliche Post Assoc. v. Allen (26 Mo. App. 181) 1862, 1874
- West Mahanoy Tp. v. Watson (116 Pa. 344; 9 Atl. 430; s. c. 112 Pa. St. 574; 3 Atl. 866; 2 Am. St. Rep. 604) 2969
- Westminster Water Co. v. Westminster (98 Md. 551; 56 Atl. 990; 64 L. R. A. 630; 103 Am. St. Rep. 424) 2153, 2156
- Westmount v. Warminton (9 Rap. Jud. Que. B. R. 101) 1707, 1744

## TABLE OF CASES CITED

477

[References are to pages]

- Weston v. Arnold* (L. R. 8 Ch. Ap. 1084) 568  
 — *v. Charleston* (2 Pet. [U. S.] 449, rev'g 1 Harper Eq. [S. Car.] 340) 2315, 2318, 2321  
 — *v. Dane* (51 Me. 461) 1315  
 — *v. Ryan* (70 Neb. 211; 97 N. W. 347) 334  
 — *v. Syracuse* (17 N. Y. 110) 548  
 — *v. Syracuse* (158 N. Y. 274; 53 N. E. 12; 20 L. R. A. 624; 70 Am. St. Rep. 472, rev'g 82 Hun 67; 31 N. Y. Supp. 186) 1158, 1160, 1235, 1242, 1253, 1254  
*West Orange v. Field* (37 N. J. Eq. 600) 3045  
*Westhal v. New York City* (75 N. Y. App. Div. 252; 78 N. Y. Supp. 56) 2132, 2308\*  
*West Philadelphia Passenger R. Co. v. Philadelphia* (10 Phila. 70) 2061  
*West Philadelphia Title Co. v. Olympia* (19 Wash. 150; 52 Pac. 1015) 1296  
*West Plains Tp. v. Sage* (69 Fed. Rep. 943) 395, 1238, 1356, 1378, 1461, 1466, 1481, 1503, 1505  
*West Point v. Bland* (106 Va. 792; 56 S. E. 802) 1703, 1706, 1709, 1714  
*Westport v. Kansas City* (103 Mo. 141; 15 S. W. 68) 115, 117  
 — *v. McGee* (128 Mo. 152; 30 S. W. 523) 2385, 2427  
 — *v. Mastin* (62 Mo. App. 647) 897, 2451, 2452  
 — *v. Mulholland* (159 Mo. 86; 60 S. W. 77; 53 L. R. A. 442) 2061, 2069  
*West River Br. Co. v. Dix* (6 How. [U. S.] 507) 1604, 1611, 1632, 1638, 1643, 1645  
*West Seattle v. West Seattle Land & I. Co.* (38 Wash. 359; 80 Pac. 549) 1786, 1897, 1902  
*West Third St. Sewer* (187 Pa. 565; 41 Atl. 476) 2558, 2614, 2616  
*West Union v. Richey* (64 N. Y. App. Div. 156; 71 N. Y. Supp. 871) 1712  
*Wetherell v. Devine* (116 Ill. 631; 6 N. E. 24) 59, 65, 2388, 2390  
 — *v. Newington* (54 Conn. 67; 5 Atl. 858) 1746  
*Wetherill v. Pennsylvania R. Co.* (195 Pa. 156; 45 Atl. 658) 1838, 1840  
*Wethington v. Owensboro* ([Ky.], 21 Ky. Law Rep. 960; 53 So. 644) 920  
*Wetmore v. Brooklyn Gas Co.* (42 N. Y. 384) 501  
*Wetmore v. Monona County* (73 Iowa, 88; 34 N. W. 751) 1312, 1313  
 — *v. Oakland* (99 Cal. 146; 33 Pac. 769) 1363  
 — *v. Story* (22 Barb. [N. Y.] 414) 869, 1790  
 — *v. Tracy* (14 Wend. [N. Y.] 250; 28 Am. Dec. 525) 2914  
*Wettengel v. Denver* (20 Colo. 552; 39 Pac. 343) 1083  
*Wetumpka v. Wetumpka Wharf Co.* (63 Ala. 611) 440, 537, 580  
 — *v. Winter* (29 Ala. 651) 1182, 1354  
*Wetzell v. Paducah* (117 Fed. Rep. 647) 457, 1359, 1462, 1466, 1531  
*Wewell v. Cincinnati* (45 Ohio St. 407; 15 N. E. 196) 2619  
*Wey v. Salt Lake City* ([Utah], 101 Pac. 381) 2565  
*Weyauwega v. Ayling* (99 U. S. 112) 1356, 1371, 1420, 1478  
*Weyerhaeuser v. Minnesota* (176 U. S. 550, aff'g 68 Minn. 353; 71 N. W. 265) 2442  
*Weyl v. Chicago, M. & St. P. R. Co.* (40 Minn. 350; 42 N. W. 24) 1091, 1092  
 — *v. Sonoma Valley R. Co.* (69 Cal. 202; 10 Pac. 510) 1991, 2010  
*Weymouth, &c. Fire Dist. v. County Com'rs* (108 Mass. 142) 177  
*Whalen v. Brennan* (34 Neb. 129; 51 N. W. 759) 1166  
 — *v. La Crose* (16 Wis. 270) 1250  
*Whaley v. Wilson* (112 Ala. 627; 20 So. 922) 1788, 1790  
*Whalin v. McComb* (76 Ill. 49) 589, 949, 978  
*Whann v. Coler* (38 N. Y. App. Div. 339; 58 N. Y. Supp. 5, aff'd 159 N. Y. 536; 53 N. E. 1133) 1519  
*Whaples v. Waukegan* (179 Ill. 310; 53 N. E. 618) 2595, 2596  
 — *v. Waukegan* (95 Ill. App. 29) 2926  
*Wharf Case* (3 Bland Ch. [Md.] 383) 474, 504  
*Wharton v. Birmingham Bor.* (37 Pa. 371) 2835  
 — *v. Bradford* (209 Pa. 319; 58 Atl. 621) 3059  
 — *v. Cass Tp. School Directors* (42 Pa. 358) 66  
 — *v. Greensboro* (146 N. Car. 356; 59 S. E. 1043) 1505  
*Wheat v. St. Louis* (179 Mo. 572; 78 S. W. 790; 64 L. R. A. 292) 3002  
 — *v. Van Tine* (149 Mich. 314; 112 N. W. 933) 885, 1190

## TABLE OF CASES CITED

[References are to pages]

Wheatfield v. Tonawanda St. R. Co. (92 Hun [N. Y.] 460; 36 N. Y. Supp. 744)	1945	Whelen, Appeal of (108 Pa. St. 162; 1 Atl. 88)	450, 1179, 1352, 1400, 1401
Wheatley v. Baugh (25 Pa. 528; 64 Am. Dec. 721)	1059, 2307	Wheless v. St. Louis (90 Mo. App. 106)	2632
Wheaton v. Mickel (63 N. J. L. 625; 42 Atl. 843)	2417	Whicker v. Hume (14 Beav. 509)	1555
Wheeler v. Bedford (54 Conn. 244; 7 Atl. 22)	1750	Whidden v. Drake (5 N. H. 13)	472
— v. Carter (180 Mass. 382; 62 N. E. 471)	877	Whipple v. Fair Haven (63 Vt. 221; 21 Atl. 533)	3044
— v. Chicago (24 Ill. 105; 76 Am. Dec. 736)	1251	— v. McIntyre (69 Mo. App. 397)	1050
— v. Chicago (57 Ill. 415)	2454	— v. Tuxworth (81 Ark. 391; 99 S. W. 86)	2374
— v. Cincinnati (19 Ohio St. 19)	560, 2301, 2303, 2847, 2849, 2894, 2906	Whitaker v. Eighth Av. R. Co. (51 N. Y. 295)	1981
— v. Commonwealth (98 Ky. 59; 32 S. W. 259)	854, 855, 857, 858	— v. Phoenixville (141 Pa. 327; 21 Atl. 604)	1630
— v. Ft. Dodge (131 Iowa, 566; 108 N. W. 1057; 9 L. R. A. n. s. 146)	1865, 2981, 2982, 2989	Whitall v. Gloucester County (40 N. J. L. 302)	1831
— v. Hennepin County (87 Minn. 243; 91 N. W. 890)	2829, 2831	Whitbeck v. Minch (48 Ohio, 210; 31 N. E. 743)	2830
— v. Patterson (1 N. H. 88; 8 Am. Dec. 41)	774	Whitby v. Baltimore, C. & A. R. Co. (96 Md. 700; 54 Atl. 674)	2077
— v. People (153 Ill. 480; 39 N. E. 123)	2453	— v. Flint (9 Up. Can. C. P. 449)	684
— v. Philadelphia (77 Pa. St. 338)	260, 257, 259, 267, 275, 280, 285, 310, 427, 573	— v. Harrison (18 Up. Can. Q. B. 603)	609, 684
— v. Plymouth (116 Ind. 158; 18 N. E. 532; 9 Am. St. Rep. 837)	2980	Whitcher v. Holland Water Works Co. (66 Hun [N. Y.] 619; 20 N. Y. Supp. 560, aff'd 142 N. Y. 626; 37 N. E. 565)	1910
— v. Poplar Bluff (149 Mo. 36; 49 S. W. 1088)	896, 1155, 1170, 1192, 1258	White v. Alton (149 Ill. 626; 37 N. E. 36)	1144
— v. Rochester & S. R. Co. (12 Barb. [N. Y.] 227)	2423	— v. Ballard (19 Wash. 284; 53 Pac. 159)	2965
— v. Westport (30 Wis. 392)	2962, 2993, 3001	— v. Bayonne (49 N. J. L. 311; 8 Atl. 295)	926
— v. Worcester (10 Allen [Mass.] 591)	2916, 3037, 3054	— v. Berry (171 U. S. 366)	2750
Wheeling v. Black (25 W. Va. 266)	720, 979, 1123	— v. Blanchard Bros. Granite Co. (178 Mass. 363; 59 N. E. 1025)	2009
— v. Campbell (12 W. Va. 36)	1895, 1897	— v. Bond County (58 Ill. 297; 11 Am. Rep. 65)	2856, 2951, 2994
Wheeling & Belmont Bridge Co. v. Wheeling Bridge Co. (138 U. S. 287)	464, 517	— v. Bradley (66 Me. 254)	1724
Wheeling & E. G. R. Co. v. Triadelphia (58 W. Va. 487; 52 S. E. 499; 4 L. R. A. n. s. 321)	2796	— v. Buffalo (131 N. Y. App. Div. 531; 115 N. Y. Supp. 1021)	3047
Wheeling, P. & C. Transportation Co. v. Wheeling (99 U. S. 273)	2417	— v. Charleston (2 Hill [S. C.] 571)	2848, 2857
Wheelock v. McDowell (20 Neb. 442; 29 N. W. 291)	732	— v. Chicago (188 Ill. 392; 58 N. E. 917)	2388, 2453, 2609
— v. Noonan (108 N. Y. 179; 15 N. E. 67; 2 Am. St. Rep. 405)	2000, 2046	— v. Chicago, St. L. & P. R. Co. (122 Ind. 317; 23 N. E. 782; 7 L. R. A. 257)	1767
		— v. Chowan County (90 N. Car. 437)	2856
		— v. Clarksville (75 Ark. 340; 87 S. W. 630)	880
		— v. Collins Building, etc. Co. (82 N. Y. App. Div. 1; 81 N. Y. Supp. 434)	1069
		— v. Commissioners (90 N. Car. 437; 47 Am. Rep. 534)	63



# TABLE OF CASES CITED

479

[References are to pages]

White v. Commonwealth (122 Ky. 408; 92 S. W. 285)	1111	White v. Raymond (188 Ill. 298; 58 N. E. 976)	2787
— v. Cower (4 Paige [N. Y.] 510)	1716	— v. San Antonio (94 Tex. 313; 60 S. W. 426; s. c. [Tex. Civ. App.], 57 S. W. 858)	2896, 2898
— v. Flannigain (1 Md. 525; 54 Am. Dec. 668)	1697, 1717, 1789	— v. San Antonio ([Tex. Civ. App.], 25 S. W. 1132)	3034
— v. Foxborough (151 Mass. 28; 23 N. E. 652)	1710	— v. Smith (37 Mich. 291)	1736
— v. Fuller (39 Vt. 193)	199, 235	— v. Stamford (37 Conn. 587)	135
— v. Godfrey (97 Mass. 472)	1096, 1699, 1795, 1825	— v. Stowe (54 Vt. 510)	2820
— v. Gove (183 Mass. 333; 67 N. E. 359)	2530, 2535, 2616	— v. Tacoma (109 Fed. Rep. 32)	2521
— v. Harris (103 Cal. 528; 37 Pac. 502)	2617, 2634	— v. Tallman (26 N. J. L. 67)	566, 665, 956, 960, 962
— v. Harris (116 Cal. 470; 48 Pac. 382)	2454	— v. Tebo (43 N. Y. App. Div. 418; 60 N. Y. Supp. 231)	490
— v. Hindley, L. Bd. of H. (L. R. 10 Q. B. 219)	2905, 2917	— v. Trinidad (10 Colo. App. 327; 52 Pac. 214)	2960
— v. Kenney (157 Mass. 12; 31 N. E. 654)	1050	— v. Vermont & Mass. R. Co. (21 How. [U. S.] 575)	1325, 1350, 1353
— v. Kent (11 Ohio St. 550)	557, 676, 1073, 1848	— v. Washington (2 Cranch Cir. C. 337)	982
— v. Knowlton (84 Minn. 141; 86 N. W. 755)	2486	— v. West Chicago (164 Ill. 196; 45 N. E. 495)	2623
— v. Levant (78 Me. 568; 7 Atl. 539)	731	— v. Yazoo City (27 Miss. 357)	2839, 2843, 2928
— v. Lincoln (5 Neb. 505)	137, 138, 2813	Whitefield v. Hipple ([Ky.], 12 S. W. 150)	2629
— v. McKeesport (101 Pa. St. 394)	1810, 1823	White Haven v. White Haven Water Co. (209 Pa. 166; 58 Atl. 159)	2238
— v. Manhattan R. Co. (139 N. Y. 19; 34 N. E. 887)	1777, 1966, 1969, 1984, 2038, 2040	Whitehead v. Denver (13 Colo. App. 134; 56 Pac. 913)	1646
— v. Manhattan R. Co. (82 N. Y. App. Div. 259; 31 N. Y. Supp. 1011)	2967	— v. Detroit Board of Education (139 Mich. 490; 102 N. W. 1028)	66, 2889
— v. Marshfield (48 Vt. 20)	2898	— v. Lowell (124 Mass. 281)	3021
— v. Meadville (177 Pa. 643; 35 Atl. 695; 34 L. R. A. 567)	2109, 2170, 2189	Whitehouse v. American Surety Co. (117 Iowa, 328; 90 N. W. 727)	1270, 1274
— v. Metropolitan West Side El. R. Co. (154 Ill. 620; 39 N. E. 270)	1663	— v. Fellowes (10 C. B. n. s. 765)	2917, 2918, 2923
— v. Nashville (2 Swan [Tenn.] 364)	925, 930, 931, 1665, 1814	— v. Staten Island Water Supply Co. (101 N. Y. App. Div. 112; 91 N. Y. Supp. 544)	2209, 2210
— v. Nassau Trust Co. (168 N. Y. 149; 61 N. E. 169; 64 L. R. A. 275)	490	Whitehurst v. Jones (117 Ga. 803; 45 S. E. 49)	2741
— v. New Orleans (15 La. An. 667)	1169, 1197	Whitely v. Lansing (27 Mich. 131)	2637
— v. Northwestern N. C. R. Co. (113 N. Car. 610; 18 S. E. 330; 22 L. R. A. 627; 37 Am. St. Rep. 639)	2013	Whiteman v. Fayette Fuel-Gas Co. (139 Pa. St. 492; 20 Atl. 1062)	2211
— v. People (94 Ill. 604)	2497, 2545, 2548, 2549	Whitener v. Belknap (89 Tex. Sup. 273; 34 S. W. 594)	441
— v. Philadelphia (201 Pa. 512; 51 Atl. 332)	3025	White Plains Presb. Church, Matter of (112 N. Y. App. Div. 130; 98 N. Y. Supp. 63)	2573
— v. Phillipston (10 Met. [Mass.] 108)	762, 768, 2880	White Plains Water Com'rs, Matter of (176 N. Y. 239; 68 N. E. 348)	2109, 2187, 2273
— v. Polk County (17 Iowa, 413)	740	White River Sav. Bank v. Superior (148 Fed. Rep. 1)	1390, 1391
— v. Quincy (97 Mass. 430)	3035	Whiteside v. People (26 Wend.	

## TABLE OF CASES CITED

[References are to pages]

- [N. Y.] 634, rev'g 23 Wend.  
[N. Y.] 9) 863, 864  
Whiteside v. School Dist. No. 5  
(20 Mont. 44; 49 Pac. 445) 1588  
Whitesides v. Green (13 Utah,  
341; 44 Pac. 1032) 1733  
Whitfield v. Longest (6 Ire. [N.  
Car.] Law, 268) 959, 960, 963,  
964, 2323  
— v. Paris (84 Tex. 431; 19  
S. W. 566) 2884  
Whithorn v. Thomas (7 M. & G. 1) 887  
Whiting v. Boston (106 Mass. 89) 1653,  
1656, 2749, 2791, 2792  
— v. Commonwealth (196 Mass.  
468; 82 N. E. 670) 1635  
— v. Doob (152 Ind. 157; 52  
N. E. 759) 1855  
— v. New Baltimore (127 Mich.  
66; 86 N. W. 403) 1962  
— v. New Haven (45 Conn.  
303) 2610  
— v. Potter (2 Fed. Rep. 517) 1420  
— v. Quackenbush (54 Cal.  
306) 2496  
— v. Sheboygan & F. R. Co.  
(25 Wis. 167; 3 Am. Rep. 30) 570,  
573, 577, 1363  
— v. Story County (54 Iowa,  
81; 6 N. W. 137; 37 Am. Rep.  
189) 1588  
Whitlock v. Hawkins (105 Va. 242;  
53 S. E. 401) 2363, 2365  
— v. West (26 Conn. 406) 985  
Whitman v. Lewiston (97 Me. 519;  
55 Atl. 414) 2971, 2999, 3003  
Whitmire & Filbrick Co. v. Buffalo  
(118 Fed. Rep. 773) 1067, 1068  
Whitmore v. Tarrytown (137 N.  
Y. 409; 33 N. E. 489) 1822, 1823  
Whitney v. Clifford (46 Wis. 138;  
49 N. W. 835; 32 Am. Rep.  
703) 3026  
— v. Hudson (69 Mich. 189; 37  
N. W. 184) 835, 871  
— v. Lowell (151 Mass. 212; 24  
N. E. 47) 3019  
— v. Milwaukee (57 Wis. 639;  
16 N. W. 12) 2985  
— v. New Haven (58 Conn.  
450; 20 Atl. 666) 458  
— v. New York (28 Barb. [N.  
Y.] 233) 916  
— v. Patrick (64 N. Y. Misc.  
191; 120 N. Y. Supp. 550) 2780  
— v. Pittsburgh (147 Pa. 351;  
23 Atl. 395; 30 Am. St. Rep.  
740) 232, 2636  
— v. Port Huron (88 Mich. 268;  
50 N. W. 316; 26 Am. St. Rep.  
291) 913  
— v. Ticonderoga (127 N. Y.  
40; 27 N. E. 403) 1787  
Whitney v. Van Buskirk (40 N.  
J. L. 463) 723, 859, 871  
Whitsett v. Union Depot & R. Co.  
(10 Colo. 243; 15 Pac. 339) 1835  
Whitson v. Franklin (34 Ind. 392) 980,  
981, 1090, 2067, 2068  
Whittaker v. Deadwood (12 S.  
Dak. 523; 81 N. W. 910) 1713  
— v. Deadwood (12 S. Dak.  
608; 82 N. W. 202) 2830, 2949  
— v. Deadwood (23 S. Dak. 538;  
122 N. W. 590) 2322, 2529, 2578  
— v. Venice (150 Ill. 195; 37  
N. E. 240) 109, 2797  
— v. West Boylston (97 Mass.  
273) 3003, 3018  
Whittall v. New York (64 N. Y.  
Supp. 250) 2960  
Whittemore v. Sills (76 Mo. App.  
248) 2632  
Whitten v. Covington (43 Ga. 421) 1021  
— v. Haverhill (204 Mass. 95;  
90 N. E. 409) 3048, 3052  
Whitthorne v. Jett (39 Ark. 139) 1314  
Whittier v. Varney (10 N. H. 291) 877  
Whittingham v. Hopkins (70 N. J.  
L. 322; 57 Atl. 402) 1627  
Whitty v. Oshkosh (106 Wis. 87;  
81 N. W. 992) 3028  
Whitworth v. Webb City (204 Mo.  
579; 103 S. W. 86) 1237  
Whyler v. Bingham Rural Dist.  
(L. R. [1901] 1 Q. B. 45) 2874, 2963  
Whyte v. Nashville (2 Swan  
[Tenn.] 364) 461, 2563, 2608  
— v. St. Louis (153 Mo. 80; 54  
S. W. 478) 478, 1695, 1709, 1719,  
1756  
Wice v. Chicago & N. W. R. Co.  
(193 Ill. 351; 61 N. E. 1084; 56  
L. R. A. 268, rev'g 93 Ill. App.  
266) 925, 926, 941, 942, 1094  
Wichita v. Burleigh (36 Kan. 34;  
12 Pac. 332) 334  
— v. Missouri & K. Tel. Co. (70  
Kan. 441; 78 Pac. 886) 1922,  
1923, 2061  
Wichita & W. R. Co. v. Fech-  
heimer (36 Kan. 45; 12 Pac.  
362) 1972  
Wichita Falls v. Skeen (18 Tex.  
Civ. App. 632; 45 S. W. 1037) 1166  
Wickersham v. Crittenden (93  
Cal. 17; 28 Pac. 788) 1144  
Wickliffe v. Lexington (11 B. Mon.  
[Ky.] 155) 1716  
Wicks v. DeWitt (54 Iowa, 130;  
6 N. W. 176) 3049  
Wickwire v. Elkhart (144 Ind.  
305; 43 N. E. 216) 1214  
Wicomico County v. Bancroft (203  
U. S. 112, rev'g 135 Fed. Rep.  
977) 2450

## TABLE OF CASES CITED

481

[References are to pages]

- Wider v. East St. Louis (55 Ill. 133) 2388, 2389
- Wiegel v. Pulaski County (61 Ark. 74; 32 S. W. 116) 1178
- Wiemer v. Louisville Sinking Fund Com'rs (124 Ky. 377; 99 S. W. 242) 2474
- v. Louisville Water Co. (130 Fed. Rep. 251) 2205, 2207, 2209, 2215
- Wier v. Bush (4 Litt. [Ky.] 433) 719, 720
- Wiesenthal v. Atlantic City (73 N. J. L. 245; 63 Atl. 759) 1148
- Wiggin v. Lewiston (8 Idaho, 527; 69 Pac. 286) 443, 643
- v. New York (9 Paige [N. Y.] 16) 459
- v. St. Louis (135 Mo. 558; 37 S. W. 528) 3013
- Wiggins v. Chicago (68 Ill. 372) 2323, 2468, 2470
- v. McCleary (49 N. Y. 346) 1716
- v. Philadelphia (2 Brews. [Pa.] 444) 1225
- Wiggins Ferry Co. v. East St. Louis (107 U. S. 365) 2417, 2445
- v. East St. Louis (102 Ill. 560) 995
- Wight v. Davidson (181 U. S. 371, rev'g 16 App. D. C. 371) 2521, 2606
- Wight & W. Co. v. Wolff (112 Ga. 169; 37 S. E. 395) 61
- Wigle v. Kingsville (28 Ont. Rep. 378) 1156
- Wigon v. Pilkinton (1 Keb. 597) 781
- Wikel v. Decatur (146 Ill. App. 51) 2820
- Wilber v. Ft. Dodge (120 Iowa, 555; 95 N. W. 186) 2927, 3046
- v. Wyatt (63 Neb. 261; 88 N. W. 499) 1474
- Wilbrand v. Eighth Av. R. Co. (3 Bosw. [N. Y.] 314) 1980
- Wilbur v. How (8 Johns. [N. Y.] 444) 1166
- v. New York Electric Construction Co. (12 N. Y. Supp. 456) 1152
- v. Springfield (123 Ill. 395; 14 N. E. 871) 2545, 2590
- v. Taunton (123 Mass. 522) 2922
- Wilcox v. Chicago (107 Ill. 334; 47 Am. Rep. 434) 2893
- v. Deer Lodge County (2 Mont. T. 574) 1354
- v. Eagle (81 Mich. 271; 45 N. W. 987) 2441
- v. Hemming (58 Wis. 144; 15 N. W. 435; 46 Am. Rep. 625) 957, 958
- v. Hunter ([Va.], 25 S. E. Rep. 1000) 2655
- Wilcox v. McClellan (185 N. Y. 9; 77 N. E. 986, aff'g 110 N. Y. App. Div. 378; 97 N. Y. Supp. 311) 49, 53, 54, 143, 170, 173, 1799, 1946
- v. Paddock (65 Mich. 23; 31 N. W. 609) 163, 2393
- v. People (90 Ill. 186) 203
- v. Rochester (190 N. Y. 137; 82 N. E. 1119; 17 L. R. A. N. S. 741, rev'g 114 N. Y. App. Div. 734; 99 N. Y. Supp. 1020) 2883, 2887
- v. Smith (5 Wend. [N. Y.] 233; 21 Am. Dec. 213) 678
- v. Tipton (143 Ind. 241; 42 N. E. 614) 621
- Wilcox Cordage & Supply Co. v. Mosher (114 Mich. 64; 72 N. W. 117) 2327
- Wilcoxon v. Bluffton (153 Ind. 267; 54 N. E. 110) 348
- Wilcox Lumber Co. v. School Dist. No. 238 (103 Minn. 43; 114 N. W. 262) 1269
- Wild v. Deig (43 Ind. 455; 13 Am. Rep. 399) 881, 1638
- v. Paterson (47 N. J. L. 406; 1 Atl. 490) 2301, 2894, 2957
- Wilde v. New Orleans (12 La. An. 15) 2876, 2877
- Wilder v. Aurora, D. & R. Elect. Tr. Co. (216 Ill. 493; 75 N. E. 194) 2006, 2016, 2018, 2030
- v. Chicago (26 Ill. 182) 677
- v. Concord (72 N. H. 259; 56 Atl. 193) 3028
- v. St. Paul (12 Minn. 192) 1708, 1713, 1725
- v. Savannah (70 Ga. 760; 48 Am. Rep. 598) 2471, 2475
- v. Underwood (60 Kan. 859; 57 Pac. 965) 2748
- Willey v. School Dist. (25 Mich. 419) 1243
- Wildy v. Washburn (16 Johns. [N. Y.] 49) 2792, 2793
- Wiles v. Hoss (114 Ind. 371; 16 N. E. 800) 1172, 2581
- Wiley v. Athol (150 Mass. 426; 23 N. E. 311) 2297
- v. Bluffton (111 Ind. 152; 12 N. E. 165) 443
- v. Brimfield (59 Ill. 306) 584
- v. Columbus (109 Ga. 295; 34 S. E. 575) 1169
- v. Minneapolis Bd. of Education (11 Minn. 371) 1397
- v. Mulledy (78 N. Y. 310) 1071
- v. Owens (39 Ind. 429) 2469
- v. Parmer (14 Ala. 627) 2323
- v. Seattle (7 Wash. 576; 35 Pac. 415; 38 Am. St. Rep. 905) 1170, 1244

[References are to pages]

- Wiley v. Silliman (62 Ill. 170) 641, 1525  
 Wilgus v. Miami County (54 Kan. 605; 38 Pac. 787) 1751, 1763  
 Wilhelm v. Cedar County (50 Iowa, 254) 1192, 1195  
 Wilkens v. Waynesboro (116 Ga. 359; 42 S. E. 767) 1376  
 Wilkes v. Dinman (7 How. [U. S.] 89) 771  
 — v. New York (79 N. Y. 621) 2832  
 Wilkes-Barre, Appeal of (116 Pa. St. 246; 9 Atl. 308) 398, 419, 427  
 — v. Wyoming Historical Society (134 Pa. 616; 19 Atl. 809) 1564  
 Wilkes-Barre Dep. & Sav. Bank v. Wilkes-Barre (148 Pa. 601; 24 Atl. 111) 2438, 2439  
 Wilkes-Barre Hospital v. Luzerne County (84 Pa. St. 55) 573  
 Wilkes County v. Call (123 N. Car. 308; 31 S. E. 481) 1480, 1486, 1511, 1512  
 — v. Coler (180 U. S. 506; s. c. 190 U. S. 107) 1405, 1407, 1408, 1410, 1480, 1486  
 — v. Coler (113 Fed. Rep. 725) 1461, 1486  
 Wilkey v. Pekin (19 Ill. 160) 2417  
 Wilkie v. Chicago (188 Ill. 444; 58 N. E. 1004) 991  
 Wilkin v. St. Paul (33 Minn. 181; 22 N. W. 249) 1821  
 — v. St. Paul & Pac. R. Co. (16 Minn. 271) 1649  
 Wilkins v. Barnes (79 Ky. 323) 1726  
 — v. Chicago, St. L. & N. O. R. Co. (110 Tenn. 422; 75 S. W. 1026) 1843, 1844  
 — v. Detroit (46 Mich. 120; 8 N. W. 701; 9 N. W. 427) 1212, 2581  
 — v. New York (9 N. Y. Misc. 610; 30 N. Y. Supp. 424) 2776, 2778  
 — v. Waynesboro (116 Ga. 359; 42 S. E. 767) 364, 421, 422, 430  
 — v. Wilmington (2 Marv. [Del.] 32; 42 Atl. 418) 2971, 3000  
 Wilkinson v. Albany (28 N. H. 9) 1031  
 — v. Cheatham (43 Ga. 258) 2314  
 — v. Hoffman (61 Wis. 637; 21 N. W. 816) 1588  
 — v. Leland (2 Pet. [U. S.] 627) 1526  
 — v. Light, Heat & Water Co. (78 Miss. 389; 28 So. 877) 2304  
 — v. Peru (61 Ind. 1) 1420  
 — v. Providence Bank (3 R. I. 22) 2645  
 — v. Trenton (36 N. J. L. 499) 2601  
 — v. Van Orman (70 Iowa, 230; 30 N. W. 495) 403, 405  
 Will v. Mendon (108 Mich. 251; 66 N. W. 58) 2975  
 Willamette Univ. v. Knight (35 Oreg. 33; 56 Pac. 124) 2446  
 Willard's Appeal (4 R. I. 597) 783, 791, 792  
 Willard v. Albertson (23 Ind. App. 162; 53 N. E. 1076; 54 N. E. 446) 2604  
 — v. Comstock (58 Wis. 565; 17 N. W. 401; 46 Am. Rep. 657) 2765  
 — v. Killingworth (8 Conn. 247, app'd 10 Conn. 442) 454, 832, 934  
 — v. Newburyport (12 Pick. [Mass.] 227) 71, 76, 77, 451, 456, 1174  
 — v. Newbury (22 Vt. 458) 2978, 3034, 3035  
 — v. Presbury (14 Wall. [U. S.] 676) 2493  
 — v. Sherborne (59 Vt. 361; 8 Atl. 735) 2956  
 Willard Hotel Co. v. District of Columbia (23 App. D. C. 272) 1856  
 Willcocks, *In re* (7 Cow. [N. Y.] 402; 17 Am. Dec. 525) 827, 846, 848, 850  
 Will County v. People (110 Ill. 512) 63, 217, 2391  
 Willcox v. Consolidated Gas Co. (212 U. S. 19; s. c. 157 Fed. Rep. 849; 146 Fed. Rep. 150) 2250, 2251, 2252, 2253, 2254, 2256, 2258, 2266, 2271, 2272, 2273, 2274, 2279, 2288, 2289, 2290  
 Willett v. Bellville (11 Lea [Tenn.] 1) 105, 612  
 — v. St. Albans (69 Vt. 330; 38 Atl. 72) 3048, 3059  
 Willetts Mfg. Co. v. Mercer County (62 N. J. L. 95; 40 Atl. 782) 1835, 2931  
 Willey v. Allegheny (118 Pa. 490; 12 Atl. 453) 479, 516, 2904, 2905  
 — v. Ellsworth (64 Me. 57) 2963  
 — v. Greenfield (30 Me. 452) 1291  
 — v. People (36 Ill. App. 609) 1727  
 — v. Portsmouth (64 N. H. 214; 9 Atl. 220) 2861  
 William and Anthony Streets, *In re* (19 Wend. [N. Y.] 678) 1677, 2495  
 William St., *In re* (7 Pa. Dist. R. 1) 2929  
 Williams, *Ex parte* (31 Tex. Crim. Rep. 262; 20 S. W. 580; 21 L. R. A. 783) 2464  
 —, *In re* (4 Ark. 537; 38 Am. Dec. 46) 1657, 2800  
 — v. Albany County (122 U. S. 154) 2635  
 — v. Augusta (4 Ga. 509) 922, 926, 978, 1103, 1121, 1125, 1128  
 — v. Bagnelle (138 Cal. 699; 72 Pac. 408) 2615

TABLE OF CASES CITED

483

[References are to pages]

Williams v. Bergin (116 Cal. 56; 47 Pac. 877)	2480	Williams v. Hannibal (94 Mo. App. 549; 68 S. W. 380)	2960, 2999, 3017
— v. Bergin (129 Cal. 461; 62 Pac. 59)	1214, 1221	— v. Hudson (130 Wis. 297; 110 N. W. 239; 12 L. R. A. N. s. 727)	1756
— v. Bidleman (7 Nev. 68)	326	— v. Indianapolis (26 Ind. App. 628; 60 N. E. 367)	2896
— v. Boardman (9 Allen [Mass.] 570)	471	— v. Kearny County (61 Kan. 708; 60 Pac. 1046, rev'g 8 Kan. App. 850; 60 Pac. 1045)	1593
— v. Boynton (147 N. Y. 426; 42 N. E. 184, aff'g 71 Hun [N. Y.] 309; 25 N. Y. Supp. 60)	326, 2776	— v. Kenney (98 Mass. 142)	471
— v. Brooklyn (33 N. Y. App. Div. 539; 53 N. Y. Supp. 1007)	3014	— v. Larkin (3 Denio [N. Y.] 114)	831
— v. Brooklyn Elev. R. Co. (126 N. Y. 96; 26 N. E. 1048)	2038, 2039	— v. Lansing (152 Mich. 169; 115 N. W. 961)	2820
— v. Brown (53 N. Y. App. Div. 486; 65 N. Y. Supp. 1049)	441	— v. Lincoln County (35 Me. 345)	2707
— v. Bruffy (96 U. S. 176)	918	— v. Los Angeles R. Co. (150 Cal. 592; 89 Pac. 330)	1884, 2008
— v. Cammack (27 Miss. 209; 61 Am. Dec. 508)	1665, 2315, 2381, 2494, 2565	— v. Lunenburg School Dist. (21 Pick. [Mass.] 75)	830, 842, 845, 878, 2446, 2827
— v. Carterville (97 Ill. App. 160)	3020	— v. Markland (15 Ind. App. 669; 44 N. E. 562)	1266, 1267
— v. Carwardine (4 B. & Ad. 621)	552	— v. Maysville Tel. Co. (119 Ky. 33; 82 S. W. 995)	2651
— v. Cincinnati First Presb. Church (1 Ohio St. 478)	1687, 1702, 1762, 1763	— v. Milwaukee Industrial Expos. Assoc. (79 Wis. 524; 48 N. W. 665)	1687
— v. Citizens' R. Co. (130 Ind. 71; 29 N. E. 408; 15 L. R. A. 64; 30 Am. St. Rep. 201)	1985	— v. Mutual Gas Co. (52 Mich. 499; 18 N. W. 236; 50 Am. Rep. 266)	2205, 2218
— v. City Elect. St. R. Co. (41 Fed. Rep. 556)	2008, 2029	— v. Nashville (89 Tenn. 487; 15 S. W. 364)	242, 334
— v. Clayton (6 Utah, 86; 21 Pac. 398)	747	— v. Nashville (106 Tenn. 533; 63 S. W. 231)	2975
— v. Clinton (28 Conn. 264)	2963, 2998, 3018	— v. Natural Br. Pl. R. Co. (21 Mo. 580)	2011
— v. Cooper County (27 Mo. 225)	2652	— v. New Haven (68 Conn. 263; 36 Atl. 61)	2717, 2720
— v. Davidson (43 Tex. 33)	450	— v. New Orleans (23 La. An. 507)	2850
— v. Detroit (2 Mich. 560)	1665, 1809, 1810, 1812, 2319, 2365, 2401, 2469, 2498, 2541, 2580, 2581, 2610, 2775	— v. New Orleans, M. & F. R. Co. (60 Miss. 680)	1663
— v. District of Columbia (22 App. D. C. 471)	1861	— v. New York (105 N. Y. 419; 11 N. E. 829)	475, 480
— v. Dunkirk (3 Lans. [N. Y.] 44)	2608, 2878	— v. New York (118 N. Y. App. Div. 756; 104 N. Y. Supp. 14)	1178
— v. Eggleston (170 U. S. 304)	143, 145, 154, 157, 216, 2366, 2370, 2371	— v. New York & N. H. R. Co. (39 Conn. 509)	1703
— v. Fears (110 Ga. 584; 35 S. E. 699; 50 L. R. A. 685, aff'd 179 U. S. 270)	2330	— v. New York Cent. R. Co. (16 N. Y. 97; 69 Am. Dec. 651)	1796, 2010, 2011, 2012, 2023
— v. Galveston ([Tex. Civ. App.], 58 S. W. 551)	1736	— v. Parker (188 U. S. 491)	1057, 1640, 1661, 1662
— v. Glover (66 Ala. 189)	491	— v. Peyton's Lessee (4 Wheat. [U. S.] 77)	1153
— v. Grand Rapids (59 Mich. 51; 26 N. W. 279)	2838	— v. Pinney (25 Iowa, 436)	2765
— v. Grant County Court (26 W. Va. 488; 53 Am. Rep. 94)	2782	— v. Pittock (35 Wash. 271; 77 Pac. 385)	2487
— v. Greenville (130 N. Car. 93; 40 S. E. 977; 57 L. R. A. 207)	3056, 3059	— v. Poole ([Ky.], 103 S. W. 336)	1720

[References are to pages]

- Williams v. Port Chester (97 N. Y. App. Div. 84; 89 N. Y. Supp. 671) 182  
 — v. Port Leyden (62 N. Y. App. Div. 490; 70 N. Y. Supp. 1100) 2999  
 — v. Richards (3 C. & K. 81) 1981  
 — v. Roberts (88 Ill. 13) 584, 585, 1480  
 — v. Rowell (145 Cal. 259; 78 Pac. 725) 2595  
 — v. Sacramento County (65 Cal. 160; 3 Pac. 667) 2799  
 — v. Sewell (121 Ga. 665; 49 S. E. 732) 961  
 — v. Shelby County Tax. Dist. (16 Lea [Tenn.] 531) 2992  
 — v. Shoudy (12 Wash. 362; 41 Pac. 169) 404, 432, 644, 1322  
 — v. Silverman Realty & Const. Co. (111 N. Y. App. Div. 679; 97 N. Y. Supp. 945) 1881  
 — v. Smith (2 Hill [N. Y.] 301) 1352  
 — v. State Board (93 Tenn. 619; 27 S. W. 1019) 2658  
 — v. Stein (38 Ind. 89; 10 Am. Rep. 97) 635  
 — v. Stewart (115 Ga. 864; 42 S. E. 256) 2829  
 — v. Stillwell (88 Ala. 332; 6 So. 914) 1833  
 — v. Texas Midland R. Co. (22 Tex. Civ. App. 278; 55 S. W. 130) 2028  
 — v. Warsaw (60 Ind. 457) 972, 1111, 1113  
 — v. Weaver (100 U. S. 547) 93  
 — v. Weaver (75 N. Y. 30) 774  
 — v. Wilcox (8 Ad. & El. 314) 497  
 Williams College v. Williamstown (167 Mass. 505; 46 N. E. 394) 2446  
 Williamson v. Aldrich (21 S. Dak. 13; 108 N. W. 1063) 380, 399, 402, 431, 659  
 — v. Cass County (84 Ill. 361) 1669  
 — v. Commonwealth (4 B. Mon. [Ky.] 146) 975, 976, 982, 1122, 1126, 1131  
 — v. Joyce (137 Cal. 107; 69 Pac. 854) 2454  
 — v. Joyce (140 Cal. 669; 74 Pac. 290) 2454, 2486  
 — v. Keokuk (44 Iowa, 88) 137, 530, 1480, 2681  
 — v. Louisville Industrial School (95 Ky. 251; 24 S. W. 1065; 23 L. R. A. 200; 44 Am. St. Rep. 243) 2897  
 — v. Love (52 Tex. 335) 646  
 — v. Mingo County Ct. (56 W. Va. 38; 48 S. E. 835) 2799  
 — v. New Jersey So. R. Co. (29 N. J. Eq. 311) 2424  
 Williamsport v. Beck (128 Pa. 147; 18 Atl. 329) 2557, 2558  
 — v. Commonwealth (84 Pa. 487; 24 Am. Rep. 208) 524, 526, 542, 1327, 1346, 1810, 1826  
 — v. Commonwealth (90 Pa. 498) 2648  
 — v. Hughes (21 Pa. Super. Ct. 443) 1261  
 — v. Kent (14 Ind. 306) 2451  
 — v. Wenner (172 Pa. 173; 33 Atl. 544) 2472  
 — v. Williamsport Pass. R. Co. (203 Pa. 1; 52 Atl. 51) 2079  
 — v. Williamsport Pass. R. Co. (206 Pa. 65; 55 Atl. 836) 2079  
 Williamsport Pass. R. Co. v. Williamsport (120 Pa. 1; 13 Atl. 496) 1943  
 Williamstown v. Matthews (103 Ky. 121; 44 S. W. 387) 620  
 Willimantic School Soc. v. Windham First School Soc. (14 Conn. 457) 625, 630  
 Willis, *Ex parte* (74 Ark. 498; 86 S. W. 301) 1291, 1295, 1299, 1310  
 — v. Booneville (28 Mo. 543) 1133  
 — v. Erie Tel. & Tel. Co. (37 Minn. 347; 34 N. W. 337) 1931  
 — v. Kentucky & I. Bridge Co. (104 Ky. 186; 46 S. W. 488) 1993  
 — v. Legris (45 Ill. 289) 566, 960  
 — v. Newbern (118 N. Car. 132; 24 S. E. 706) 2990  
 — v. Perry (92 Iowa, 297; 60 N. W. 727; 26 L. R. A. 124) 2308  
 — v. Winona (59 Minn. 27; 90 N. W. 814; 26 L. R. A. 142) 1835, 2931  
 — v. Wyandotte County (86 Fed. Rep. 872) 2606  
 Willoughby v. Allen (25 R. I. 531; 56 Atl. 1109) 2877, 2901  
 — v. Florence (51 S. Car. 462; 29 S. E. 242) 1153, 1171, 1233  
 — v. Jenks (20 Wend. [N. Y.] 96) 1718, 1719  
 Wills v. Fort Smith (70 Ark. 221; 66 S. W. 922) 929  
 Wilmette v. Brachle (209 Ill. 621; 71 N. E. 41) 2971, 2991  
 — v. People (214 Ill. 107; 73 N. E. 327) 1392, 2623  
 Wilmington v. Addicks (8 Del. Ch. 310; 47 Atl. 366) 2069  
 — v. Bryan (141 N. Car. 666; 54 S. E. 543) 674, 1244  
 — v. Horn (2 Harring. [Del.] 190) 683  
 — v. Roby (8 Ired. [N. Car.] L. 250) 963, 2323, 2396, 2476  
 — v. Yopp (71 N. Car. 76) 2565



[References are to pages]

- Wilmington & W. R. Co. v. Alsbrook (146 U. S. 279) 2449  
 — v. North Carolina Railroad Com'rs (90 Fed. Rep. 33) 2227  
 Wilshire, *In re* (103 Fed. Rep. 620) 1067, 1068  
 Wilson, *In re* (32 Minn. 145; 19 N. W. 723) 1018, 2795, 2796  
 —, (10 N. Mex. 32; 60 Pac. 73; 48 L. R. A. 417) 2326  
 — v. Aberdeen (19 Wash. 89; 52 Pac. 524) 1256, 1305, 1306  
 — v. Acree (97 Tenn. 378; 37 S. W. 90) 1714, 1716  
 — v. Alabama G. S. R. Co. (77 Miss. 714; 28 So. 567; 52 L. R. A. 357; 78 Am. St. Rep. 543) 1032  
 — v. Allegheny City (79 Pa. 272) 1767, 1800  
 — v. Atlanta (60 Ga. 473) 2965  
 — v. Atlanta (63 Ga. 291) 3000  
 — v. Auburn (27 Neb. 435; 43 N. W. 257) 2491, 2577  
 — v. Berkstresser (45 Mo. 283) 2654  
 — v. Blackbird Cr. Marsh Co. (2 Pet. [U. S.] 251) 493, 1643  
 — v. Board of Education (12 S. Dak. 535; 81 N. W. 952) 347  
 — v. Boise City (6 Idaho, 391; 55 Pac. 887) 3052  
 — v. Burks (71 Ga. 862) 2799  
 — v. Charlestown (8 Allen [Mass.] 137; 85 Am. Dec. 574) 2967, 2970, 3003, 3018  
 — v. Charlotte (74 N. Car. 748) 427  
 — v. Chester School Dist. (32 N. H. 118) 1190, 1193  
 — v. Chicago Sanitary District (133 Ill. 443; 27 N. E. 203) 2545, 2548  
 — v. Chilcott (12 Colo. 600; 21 Pac. 901) 2504, 2566  
 — v. Cleveland (157 Mich. 510; 122 N. W. 284) 2648  
 — v. Eureka City (173 U. S. 32; s. c. 15 Utah, 53; 48 Pac. 41) 937, 939, 940, 941  
 — v. Florence (39 S. Car. 397; 17 S. E. 835; 20 L. R. A. 720) 1381  
 — v. Florence (40 S. Car. 290; 18 S. E. 792) 1381  
 — v. Forbes (2 Dev. [N. Car.] 30) 488  
 — v. Granby (47 Conn. 59; 36 Am. Rep. 51) 1833, 2957  
 — v. Halifax (L. R. 3 Ex. 114) 2964  
 — v. Hardesty (1 Md. Ch. 66) 1526  
 — v. Huntington County (7 Watts & S. [Pa.] 197) 1588, 2676  
 — v. Inloes (11 Gill & J. [Md.] 351) 476, 502, 513  
 — v. Jefferson County (13 Iowa, 181) 1833, 2855, 2857  
 Wilson v. Knox County (132 Mo. 387; 34 S. W. 45, 477) 1303  
 — v. Knox County ([Mo.], 28 S. W. 896) 1312  
 — v. Lambert (168 U. S. 611) 1635, 1746, 1747  
 — v. Lexington (105 Ky. 765; 50 S. W. 834) 2463  
 — v. Lewis (10 R. I. 285) 472  
 — v. Macon (88 Ga. 455; 14 S. E. 710) 2886, 2916  
 — v. Mitchell (17 S. Dak. 515; 97 N. W. 741; 65 L. R. A. 158; 106 Am. St. Rep. 784) 2869  
 — v. Neal (23 Fed. Rep. 129) 1398  
 — v. New Bedford (108 Mass. 261) 2845, 2905, 2914  
 — v. New York (1 Denio [N. Y.] 595; 43 Am. Dec. 719) 466, 762, 2838, 2839, 2923, 3040, 3041, 3046, 3047, 3051, 3054, 3055, 3060  
 — v. People (19 Colo. 199; 34 Pac. 944; 22 L. R. A. 449; 41 Am. St. Rep. 243) 764  
 — v. Philippi (39 W. Va. 75; 19 S. E. 553) 2493, 2497, 2529  
 — v. Pike County (144 Ala. 397; 39 So. 370) 1381  
 — v. Poole (33 Ind. 443) 2631  
 — v. Rochester (180 Pa. 509; 38 Atl. 136) 2170  
 — v. Ross (40 W. Va. 278; 21 S. E. 868) 1013  
 — v. Salamanca (99 U. S. 499) 1420, 1461, 1516  
 — v. Salem (24 Oreg. 504; 34 Pac. 9, 691) 2365, 2370, 2600, 2603  
 — v. School Dist. (32 N. H. 118) 66  
 — v. Sexon (27 Iowa, 15) 1709, 1713  
 — v. Simmons (89 Me. 242; 36 Atl. 380) 1098  
 — v. State (53 Neb. 113; 73 N. W. 456) 1285, 1315  
 — v. Tallahassee Water Works Co. (47 Fla. 351; 36 So. 63) 2212, 2213, 2229, 2234  
 — v. Tennent (61 N. Y. App. Div. 100; 70 N. Y. Supp. 2, aff'd 179 N. Y. 546; 71 N. E. 1142) 2143  
 — v. Trenton (56 N. J. L. 469; 29 Atl. 183) 910  
 — v. Trenton (60 N. J. L. 394; 38 Atl. 635, aff'd 61 N. J. L. 599; 40 Atl. 575) 1224, 1261  
 — v. Troy (135 N. Y. 96; 32 N. E. 44; 18 L. R. A. 449; 31 Am. St. Rep. 817) 1320, 3016  
 — v. Veterans' Home (138 Cal. 67; 70 Pac. 1059) 2710  
 — v. Waterbury (73 Conn. 416; 47 Atl. 687) 1769, 3048

## TABLE OF CASES CITED

[References are to pages]

- Wilson v. Webber (92 Hun [N. Y.] 466; 36 N. Y. Supp. 550, aff'd 157 N. Y. 693; 51 N. E. 1094) 1265  
 — v. West & Slade Mill Co. (28 Wash. 312; 68 Pac. 716) 1788, 1791  
 — v. Wheeling (19 W. Va. 323; 42 Am. Rep. 780) 2992, 2998, 3004, 3022, 3023, 3024, 3026  
 — v. Wichita County (67 Tex. 647; 4 S. W. 67) 764  
 Wilson County v. Third Nat. Bank of Nashville (103 U. S. 770) 1350  
 Wilton v. Falmouth (15 Me. 479) 637  
 Wiltse v. Holt (95 Ind. 469) 675  
 — v. Red Wing (99 Minn. 255; 109 N. W. 114) 2136, 2912  
 Wilzinski v. Greenville (85 Miss. 393; 37 So. 807) 2527  
 Wimbish v. Hamilton (47 La. An. 246; 16 So. 856) 919  
 Wimbledon Local Bd. v. Croydon R. S. A. (L. R. 32 Ch. Div. 421) 3048  
 Winamac v. Huddleston (132 Ind. 217; 31 N. E. 561) 354  
 Winamac School Town v. Hess (151 Ind. 229; 50 N. E. 81) 385  
 Winants v. Bayonne (44 N. J. L. 114) 462  
 Winbigler v. Los Angeles (45 Cal. 36) 2853, 2957, 2958, 3011, 3022  
 Winch v. Conservators of the Thames (L. R. 7 C. P. 471) 516  
 — v. Thames Cons. (L. R. 9 C. P. C. 378) 2837  
 Winchell v. Waukesha (110 Wis. 101; 85 N. W. 668; 84 Am. St. Rep. 902) 3037  
 Winchester v. Carroll (99 Va. 727; 40 S. E. 37) 1728, 1729, 2975, 2977  
 — v. Frazer (19 Ky. Law Rep. 1366; 43 S. W. 453) 1149  
 — v. Redmond (93 Va. 711; 25 S. E. 1001; 57 Am. St. Rep. 822) 449, 551, 1155, 1179  
 Winchester Board of Education v. Winchester (120 Ky. 591; 87 S. W. 768) 431, 655, 662  
 Winckler v. Gt. Western R. Co. (18 Up. Can. C. P. 250) 3018  
 Windfall Mfg. Co. v. Emery (142 Ind. 456; 41 N. E. 814) 620  
 Windham v. Portland (4 Mass. 384) 621, 626, 627, 629  
 Windsor v. Des Moines (101 Iowa, 343; 70 N. W. 214) 1169, 1212, 1219  
 — v. Des Moines (110 Iowa, 175; 81 N. W. 476; 80 Am. St. Rep. 280) 232, 233, 352, 353, 355, 370, 377, 397, 398, 406  
 — v. Hallett (97 Ill. 204) 1349  
 Windsor v. Polk County (109 Iowa, 156; 80 N. W. 323) 2430  
 — v. Polk County (115 Iowa, 738; 87 N. W. 704) 2709, 2710  
 Winfield v. Jackson (89 Miss. 272; 42 So. 183) 909  
 — v. Linn (60 Kan. 859; 57 Pac. 549) 108  
 — v. Peeden (8 Kan. App. 671; 57 Pac. 131) 3026  
 — v. Winfield Water Co. (51 Kan. 70; 32 Pac. 663) 2180, 2181, 2182, 2295  
 Winfield Water Co. v. Winfield (51 Kan. 104; 33 Pac. 714) 2295  
 Winfrey v. Linger (89 Mo. App. 159) 2632  
 Wingate v. Astoria (39 Ore. 603; 65 Pac. 982) 2600, 2602  
 — v. Enniskillen Oil Ref. Co. (14 Upper Can. C. P. 379) 1189  
 — v. Tacoma (13 Wash. 603; 43 Pac. 874) 2604  
 Wingert v. Snouffer (134 Iowa, 97; 108 N. W. 1035) 871  
 — v. Tipton (134 Iowa, 97; 108 N. W. 1035; 111 N. W. 432) 2630  
 Winkelman v. Chicago (213 Ill. 360; 72 N. E. 1066) 1653  
 Winkler v. Summers (22 Abb. N. C. 80) 2780  
 Winkley v. Newton (67 N. H. 80; 36 Atl. 610) 2334  
 Winn v. Lowell (1 Allen [Mass.] 177) 2972, 2978, 2985, 3000  
 — v. Macon (21 Ga. 275) 232, 1195  
 — v. Rutland (52 Vt. 481) 3054  
 — v. Shaw (87 Cal. 631; 25 Pac. 968) 2763, 2768, 2783  
 Winne v. Albany (61 Hun [N. Y.] 620; 15 N. Y. Supp. 423) 2966  
 Winnebago Furniture Mfg. Co. v. Fond du Lac County (113 Wis. 72; 88 N. W. 1018) 2605  
 Winneconne v. Village of Winneconne (111 Wis. 13; 86 N. W. 590) 123, 125, 232  
 Winnetka v. Clifford (201 Ill. 475; 66 N. E. 384) 2939, 2944  
 — v. Prouty (107 Ill. 218) 1688, 1695  
 Winnipiseogee Lake C. & W. Mfg. Co. v. Gifford (64 N. H. 337; 10 Atl. 849) 2420  
 — v. Gifford (64 N. H. 514; 15 Atl. 137) 2484  
 Winnsboro v. Smart (11 Rich. [S. Car.] Law, 551) 1077  
 Winona v. Botzet (169 Fed. Rep. 321; 23 L. R. A. n. s. 204) 2135, 2912

[References are to pages]

- Winona v. Huff (111 Minn. 119) 1687,  
 1694, 1723, 1747, 1786, 1793  
 — v. Jackson (92 Minn. 453;  
 100 N. W. 368) 1264  
 — v. School Dist. No. 82 (40  
 Minn. 13; 41 N. W. 539; 3 L.  
 R. A. 46) 626, 627  
 Winona & St. P. Land Co. v.  
 Minnesota (159 U. S. 526, aff'g  
 40 Minn. 512; 41 N. W. 465) 2367,  
 2369, 2441, 2442, 2443  
 Winona & St. P. R. Co. v. Water-  
 town (1 S. Dak. 46; 44 N. W.  
 1072) 2491, 2573  
 — v. Watertown (4 S. Dak. 323;  
 56 N. W. 1077) 1614  
 Wimpenny v. Philadelphia (65 Pa.  
 St. 135) 516  
 Winship v. Boston (201 Mass. 273;  
 87 N. E. 600) 2820  
 — v. Enfield (42 N. H. 197) 2961,  
 2970, 2971, 2978, 2990, 3034  
 Winslow v. Baltimore & O. R. Co.  
 (208 U. S. 59) 1631  
 — v. Nayson (113 Mass. 411) 1898  
 — v. Perquimans County (64  
 N. Car. 218) 1586, 1588, 2809  
 Winsor v. Tripp (12 R. I. 454) 2997  
 Winspear v. Holman District  
 Township (37 Iowa, 542) 348  
 Winston v. Fort Worth ([Tex. Civ.  
 App.], 47 S. W. 740) 1357, 1386  
 — v. Mosely (35 Mo. 146) 2653,  
 2668  
 — v. Spokane (12 Wash. 524;  
 41 Pac. 888) 369, 375  
 — v. Stone (102 Ky. 423; 43  
 S. W. 397) 324  
 — v. Taylor (99 N. Car. 210;  
 6 S. E. 114) 2398, 2450  
 — v. Westfeldt (22 Ala. 760; 57  
 Am. Dec. 278) 1402  
 Winter v. Montgomery (65 Ala.  
 403) 1349, 2406, 2447, 2826  
 — v. Montgomery (79 Ala. 481) 2481,  
 2482  
 — v. Montgomery (83 Ala. 589;  
 3 So. 235; s. c. 93 Ala. 539; 9  
 So. 366) 464, 556, 1871, 1875,  
 1878, 2610  
 — v. Niagara Falls (190 N. Y.  
 198; 82 N. E. 1101; 123 Am.  
 St. Rep. 540, rev'g 119 N. Y.  
 App. Div. 586; 104 N. Y. Supp.  
 39) 2816, 2817, 2818  
 — v. Payne (33 Fla. 470; 15  
 So. 211) 1715  
 — v. Peterson (24 N. J. L. 524;  
 61 Am. Dec. 678) 1096, 1097  
 — v. Thistlewood (101 Ill. 450) 788,  
 836  
 Winters v. Warmolts (70 N. J. L.  
 615; 56 Atl. 245) 644, 844
- Winthrop v. Farrar (11 Allen  
 [Mass. 398) 1107  
 — v. New England Chocolate  
 Co. (180 Mass. 464; 62 N. E.  
 969) 925, 937  
 Winzer v. Burlington (68 Iowa,  
 279; 27 N. W. 241) 2429, 2430,  
 2830  
 Wirt v. McEmery (21 Fed. Rep.  
 233) 1845  
 Wisby v. Boute (19 Ohio St. 238) 1687,  
 1689, 1695, 1731  
 Wisconsin v. Duluth (2 Dillon C.  
 C. 406) 78  
 Wisconsin & M. R. Co. v. Powers  
 (191 U. S. 379) 2333, 2339, 2448  
 Wisconsin Cent. R. Co. v. Price  
 County (133 U. S. 496) 2321,  
 2322  
 Wisconsin River Imp. Co. v.  
 Lyons (30 Wis. 61) 489  
 — v. Pier (137 Wis. 325; 118  
 N. W. 857; 21 L. R. A. n. s.  
 538) 2125  
 Wisconsin Tel. Co. v. Milwaukee  
 (126 Wis. 1; 104 N. W. 1009;  
 1 L. R. A. n. s. 581; 110 Am.  
 St. Rep. 886) 1004, 1923, 2074,  
 2075  
 — v. Oshkosh (62 Wis. 32; 21  
 N. W. 828) 1927, 2062  
 Wise v. Wise Co. (153 N. Y. 507;  
 47 N. E. 788) 2480  
 Wishart v. Brandon (4 Manitoba,  
 453) 2879, 2884  
 Wisner v. People (156 Ill. 180; 40  
 N. E. 574) 2453  
 Wistar v. Philadelphia (80 Pa.  
 112) 2582  
 — v. Philadelphia (80 Pa. 505) 2570  
 — v. Philadelphia (111 Pa. 604;  
 4 Atl. 511) 2539, 2570, 2581, 2582  
 Wiswall v. Hall (3 Paige Ch. 313) 504  
 Witham v. Portland (72 Me. 539) 2963  
 Withelm v. Cedar Co. (50 Iowa,  
 254) 1244  
 Witherley v. Regent's Canal Co.  
 (12 C. B. N. s. 2) 2971  
 Withers v. Buckley (20 How. [U.  
 S.] 84) 1602  
 Witherspoon v. Meridian (69 Miss.  
 288; 13 So. 843) 1716, 1888,  
 1897, 1903  
 Withorn v. Thomas (7 M. & G. 1) 637  
 Witman v. Reading (169 Pa. 375;  
 32 Atl. 576) 2539, 2541, 2560,  
 2616  
 — v. Reading (191 Pa. St. 134;  
 43 Atl. 140) 1660  
 Witmark v. New York Elev. R.  
 Co. (149 N. Y. 393; 44 N. E.  
 78, aff'g 76 Hun [N. Y.] 302; 27  
 N. Y. Supp. 777) 2041, 2042

## TABLE OF CASES CITED

[References are to pages]

- Witte v. Koerner (123 N. Y. App. Div. 824; 108 N. Y. Supp. 560) 1724, 1725  
 Witter v. Bachman (117 Cal. 318; 49 Pac. 202) 2451  
 — v. Mission School Dist. (121 Cal. 350; 53 Pac. 905; 66 Am. St. Rep. 33) 2446, 2577, 2578  
 — v. Polk County (112 Iowa, 380; 83 N. W. 1041) 530, 1327, 1339, 1360  
 Wittmer v. New York (50 N. Y. App. Div. 482; 64 N. Y. Supp. 170) 741  
 Wixon v. Newport (13 R. I. 454) 2861, 2888  
 Woelpper v. Philadelphia (38 Pa. St. 203) 1080  
 Wolcott v. Lawrence County (26 Mo. 272) 2824  
 — v. Wolcott (19 Vt. 37) 849  
 Woldenberg v. Sampson (55 Wash. 152; 104 Pac. 184) 2764  
 Wolf, *Ex parte* (14 Neb. 24; 14 N. W. 660) 833, 919, 1018  
 — v. District of Columbia (21 App. D. C. 464) 2961, 2976, 2977, 2985  
 — v. Hope (210 Ill. 50; 70 N. E. 1082) 665, 675, 735  
 — v. Keokuk (48 Iowa, 129) 2529  
 — v. Lansing (53 Mich. 367; 19 N. W. 38) 1012, 1014  
 — v. Oller (16 Pa. Co. Ct. Rep. 235) 1292  
 — v. Philadelphia (105 Pa. 25) 2539, 2594  
 Wolfe v. Covington & L. R. Co. (15 B. Mon. [Ky.] 404) 1972, 1975, 1980  
 — v. Sullivan (133 Ind. 331; 32 N. E. 1017) 1716, 1720, 1896  
 Wolff v. Denver (20 Colo. App. 135; 77 Pac. 364) 2564, 2620  
 — v. District of Columbia (196 U. S. 152, aff'g 21 App. D. C. 464; 69 L. R. A. 83) 1876  
 — v. New Orleans (103 U. S. 358) 193, 597, 2403  
 Wolff Chemical Co. v. Philadelphia (217 Pa. 215; 66 Atl. 344) 2764, 2782  
 Wolff Dryer Co. v. Bigler (192 Pa. 466; 43 Atl. 1092) 2327  
 Wolfort v. St. Louis (115 Mo. 139; 21 S. W. 912) 2529  
 Wolfskill v. Los Angeles County (86 Cal. 405; 24 Pac. 1094) 1732, 1735  
 Womach v. St. Joseph (168 Mo. 236; 67 S. W. 588) 2966  
 Women's Catholic Order v. Condon (84 Ill. App. 564) 2710  
 Womsley v. Jersey City (61 N. J. L. 499; 39 Atl. 710) 806  
 Wong v. Astoria (13 Oreg. 538; 11 Pac. 295) 972, 1041  
 Wong Hane, *In re* (108 Cal. 680; 41 Pac. 693; 49 Am. St. Rep. 138) 1111  
 Wong Wai v. Williamson (103 Fed. Rep. 1) 2763  
 Wong Yung Quy, *In re* (6 Sawyer [U. S.] 442) 1032  
 Wonson v. Wonson (14 Allen [Mass.] 71, 79) 486, 503  
 Wood v. Atlantic City (56 N. J. L. 232; 28 Atl. 427) 283  
 — v. Auburn (87 Me. 287; 32 Atl. 906; 87 Me. 287) 2205, 2214, 2222  
 — v. Bank (9 Cow. [N. Y.] 194) 127  
 — v. Bartling (16 Kan. 109) 640  
 — v. Bellamy (120 N. Car. 212; 27 S. E. 113) 730  
 — v. Board of Election (58 Cal. 561) 444, 446  
 — v. Brady (150 U. S. 18) 2595  
 — v. Bridgeport (143 Pa. 167; 22 Atl. 752) 3000  
 — v. Brooklyn (14 Barb. [N. Y.] 425) 944, 2754  
 — v. Chicago (205 Ill. 70; 68 N. E. 712) 990  
 — v. Chicago R. I. & P. R. Co. (60 Iowa, 456; 15 N. W. 284) 484  
 — v. Cutter (138 Mass. 149) 859, 871  
 — v. Draper (24 Barb. [N. Y.] 187) 2771  
 — v. Ft. Wayne (119 U. S. 312) 1228  
 — v. Galveston (76 Tex. 126; 13 S. W. 227) 860, 2451, 2454  
 — v. Gordon (58 W. Va. 321; 52 S. W. 261) 862  
 — v. Hinton (47 W. Va. 645; 35 S. E. 824) 2842  
 — v. Jefferson County Bank (9 Cow. [N. Y.] 194) 442, 888, 889  
 — v. Kansas City (162 Mo. 303; 62 S. W. 433) 2823  
 — v. Louisiana (5 Dillon C. C. R. 122, aff'd 102 U. S. 294) 408, 539, 1524, 2824  
 — v. Lynn (1 Allen [Mass.] 108) 1180  
 — v. McGrath (150 Pa. 451; 24 Atl. 682) 1869  
 — v. Macon & B. R. Co. (68 Ga. 539) 1755  
 — v. Mears (12 Ind. 515; 74 Am. Dec. 222) 1788, 1857, 1862, 1864, 3028  
 — v. Mitchell Indep. Sch. Dist. (44 Iowa, 27) 2888, 3026

[References are to pages]

- Wood *v.* Morehouse (45 N. Y. 368) 642, 643  
 — *v.* National Water Works Co. (33 Kan. 590; 7 Pac. 233) 1688, 1694, 1910, 2115  
 — *v.* Oxford (97 N. Car. 227; 2 S. E. 653) 143, 659, 1364  
 — *v.* Peake (8 Johns. [N. Y.] 54) 2792  
 — *v.* Pleasant Ridge (12 Ohio Cir. Ct. R. 177) 2764  
 — *v.* Quimby (20 R. I. 482; 40 Atl. 161) 63, 127, 2425  
 — *v.* Searl (Bridg. 139) 974, 983  
 — *v.* Stafford Springs (74 Conn. 437; 51 Atl. 129) 2820, 2821  
 — *v.* State (125 Ind. 219; 25 N. E. 190) 1589  
 — *v.* State (130 Ind. 364; 30 N. E. 309) 727  
 — *v.* State (155 Ind. 1; 55 N. E. 959) 2706  
 — *v.* Stourbridge R. Co. (16 C. B. N. s. 222) 1611  
 — *v.* Veal (5 B. & Ald. 454) 1743  
 — *v.* Victoria (18 Tex. Civ. App. 573; 46 S. W. 284) 2773  
 — *v.* Ward (3 Exch. [W. H. & G.] 748) 3036  
 — *v.* Watertown (58 Hun [N. Y.] 298; 11 N. Y. Supp. 864) 3026  
 — *v.* Waterville (5 Mass. 294) 1185  
 Woodall *v.* Adel (122 Ga. 301; 50 S. E. 102) 1386  
 — *v.* Lynchburg (100 Va. 318; 40 S. E. 915) 2475  
 Woodbridge *v.* Detroit (8 Mich. 274) 2469, 2561  
 — *v.* Raritan Traction Co. (64 N. J. Eq. 169; 53 Atl. 175) 1831  
 Woodburn *v.* Sterling (184 Ill. 208; 56 N. E. 378) 1688, 1690, 1695, 1745, 1746  
 Woodbury *v.* Beverly (153 Mass. 245; 26 N. E. 851) 3045  
 — *v.* District of Columbia (5 Mackey, 127) 3015  
 — *v.* Hamilton (6 Pick. [Mass.] 101) 76  
 — *v.* Tampa Waterworks Co. (57 Fla. 243; 49 So. 556; 21 L. R. A. n. s. 1034) 2305  
 Woodfolk *v.* Nashville & C. R. Co. (2 Swan [Tenn.] 422) 1682  
 Woodhull *v.* New York City (150 N. Y. 450; 44 N. E. 1038, rev'g 76 Hun [N. Y.] 390; 28 N. Y. Supp. 120) 2883, 2884, 2885, 2893  
 Woodlawn Cemetery *v.* Everett (118 Mass. 354) 1032  
 Woodruff *v.* Berry (40 Ark. 251) 1166  
 — *v.* East Orange (71 N. J. Eq. 419; 64 Atl. 466) 2205, 2262  
 — *v.* Elizabeth (30 N. J. L. 176) 2596  
 Woodruff *v.* Havermeier (106 N. Y. 129; 12 N. E. 628) 480  
 — *v.* Mississippi (162 U. S. 291, rev'g 66 Miss. 298; 6 So. 235) 1386  
 — *v.* Neal (28 Conn. 168) 1719, 1760, 1771, 1794  
 — *v.* North Bloomfield Gravel Co. (16 Fed. Rep. 25) 2918  
 — *v.* Okolona (57 Miss. 806) 1375, 1480  
 — *v.* One Covered Scow (30 Fed. Rep. 269) 504  
 — *v.* Parham (8 Wall. [U. S.] 139) 2319  
 — *v.* Passaic County (42 N. J. L. 533) 260  
 — *v.* Stewart (63 Ala. 206) 771, 913  
 — *v.* Trapnall (10 How. [U. S.] 206) 193  
 Woodruff Place *v.* Raschig (147 Ind. 517; 46 N. E. 990) 1716, 1742  
 Woods *v.* Colfax County (10 Neb. 552; 7 N. W. 269) 2856  
 — *v.* Covington Board of Education (21 Ky. Law Rep. 941; 53 S. W. 517) 1497  
 — *v.* Greensboro Nat. Gas Co. (204 Pa. 606; 54 Atl. 470) 2142  
 — *v.* Henry (55 Mo. 560) 100, 618  
 — *v.* Kansas City (58 Mo. App. 272) 3042, 3047, 3053, 3056  
 — *v.* Lawrence County (1 Black [U. S.] 386) 583, 1397, 1401, 1420, 1435, 1438, 1440, 1537  
 — *v.* McCay (144 Ind. 316; 43 N. E. 269; 33 L. R. A. 97) 334  
 — *v.* People (222 Ill. 293; 78 N. E. 607; 7 L. R. A. n. s. 520; 113 Am. St. Rep. 415) 2222  
 — *v.* Prineville (19 Oreg. 108; 23 Pac. 880) 1017  
 Woodside Water Co. *v.* Long Island City (23 N. Y. App. Div. 78; 48 N. Y. Supp. 686, aff'd 159 N. Y. 558; 54 N. E. 1095) 2293  
 Woodson *v.* Skinner (22 Mo. 13) 1596, 1760, 1771  
 Woodstock *v.* Gallup (28 Vt. 587; s. c. 29 Vt. 347) 1638, 1656  
 Woodward *v.* Calhoun County (Fed. Cas. No. 18002) 1517, 1518  
 — *v.* Calhoun County (2 Cent. Law Jour. 396) 1518  
 — *v.* Collett (20 Ky. Law Rep. 1066; 48 S. W. 164) 1166  
 — *v.* Fruitvale Sanitary Dist. (99 Cal. 554; 34 Pac. 239) 2395  
 — *v.* Grangeville (13 Idaho, 652; 92 Pac. 840) 1153, 1170  
 — *v.* Pittsburg (194 Pa. 193; 45 Atl. 91) 1719, 1738

## TABLE OF CASES CITED

[References are to pages]

- Woodward v. Sarsons (L. R. 10 C. P. 743) 644  
 — v. Taylor (33 Wash. 1; 73 Pac. 785; 75 Pac. 646) 2487  
 Woodworth v. Bennett (43 N. Y. 273; 3 Am. Rep. 705, rev'g 53 Barb. [N. Y.] 361) 1166, 1168  
 — v. Kalamazoo (135 Mich. 233; 97 N. W. 714) 2813, 2815  
 Woodyer v. Hadden (5 Taunt. 125) 1707, 1714  
 Wool v. Edenton (115 N. Car. 10; 20 S. E. 165) 2648  
 — v. Edenton (117 N. Car. 1; 23 S. E. 40) 501  
 Woolard v. Nashville (108 Tenn. 353; 67 S. W. 801) 1649, 1651  
 Wooldridge v. State (49 Fla. 137; 38 So. 3) 1310  
 Woolf v. Beard (8 C. & P. 373) 2971  
 Woolfolk v. Paducah ([Ky.], 80 S. W. 186) 1383  
 Woollacott v. Chicago (187 Ill. 504; 58 N. E. 426) 1716, 1727  
 Woolley v. Louisville (24 Ky. Law Rep. 1357; 71 S. W. 893) 310, 332  
 Woolrich v. Forrest (1 Pa. 115) 609  
 Woolsey, Matter of (95 N. Y. 135) 153, 170, 333, 1631, 1768, 1769, 1808  
 Woolverton v. Albany (152 Ind. 77; 52 N. E. 455) 616  
 Woonsocket St. R. Co. v. Woonsocket (22 R. I. 64; 46 Atl. 272) 1983, 2062  
 Wootters v. Crockett (11 Tex. Civ. App. 474; 33 S. W. 391) 1841  
 Worcester v. Eaton (13 Mass. 371; 7 Am. Dec. 155) 1568, 1581  
 Worcester v. Walker (9 Gray [Mass.] 78) 675  
 — v. Western R. Co. (4 Met. [Mass.] 564) 2432, 2445, 2588  
 — v. Worcester Consol. St. R. Co. (196 U. S. 539, aff'g 182 Mass. 49; 64 N. E. 581) 1951  
 — v. Worcester Consol. St. R. Co. (192 Mass. 106; 78 N. E. 222) 1953, 1954, 1957  
 Worcester County v. Melvin (89 Md. 37; 42 Atl. 910) 2677  
 — v. Worcester (116 Mass. 193) 2432, 2574, 2577, 2588  
 Worcester Nat. Bank v. Cheney (94 Ill. 430) 441  
 Worden v. New Bedford (131 Mass. 23; 41 Am. Rep. 185) 1595, 2888, 2913, 2915  
 Work v. State (2 Ohio St. 296; 59 Am. Dec. 671) 1133  
 Workingham v. Johnson (Cas. temp. Hardw. 285) 942  
 Workman v. New York City. (179 U. S. 552, rev'g 67 Fed. Rep. 347; s. c. 63 Fed. Rep. 298) 1589, 2302, 2864  
 Worley v. Columbia (88 Mo. 106) 2868, 2884  
 — v. Harris (82 Ind. 39) 121, 442  
 — v. Pierce (22 Oreg. 606; 30 Pac. 450) 353  
 Wormley v. Carroll Dist. Township (45 Iowa, 666) 404, 438  
 — v. District of Columbia (181 U. S. 402) 2521  
 — v. Wormley (207 Ill. 411; 69 N. E. 865; 3 L. R. A. n. s. 481) 1695, 1756  
 Wormser v. Brown (149 N. Y. 163; 43 N. E. 524, aff'g 72 Hun [N. Y.] 93; 25 N. Y. Supp. 553) 1782, 1879, 1880, 1884, 2045  
 Wormstead v. Lynn (184 Mass. 425; 68 N. E. 841) 1153, 1155, 1169, 1170, 1230  
 Worrell v. Munn (5 N. Y. 229) 1175  
 Worsley v. Municipality (9 Rob. [La.] 324; 41 Am. Dec. 333) 474, 475, 2833  
 Worster v. Canal Br. Prop. (16 Pick. [Mass.] 541) 3014  
 — v. Forty-second St. & G. St. F. R. Co. (50 N. Y. 205) 1932  
 Worth v. Brooklyn (34 N. Y. App. Div. 223; 54 N. Y. Supp. 484) 627  
 — v. Fayetteville (1 Winst. [N. Car.] Pt. 2, 70) 2476, 2786  
 Worthington v. Boston (152 U. S. 695) 1203  
 — v. Covington (82 Ky. 265) 1169  
 — v. Jeffries (L. R. 10 C. P. 379) 2708  
 Worthley v. Steen (43 N. J. L. 542) 443, 2668, 2729  
 Wortley v. Nottingham Local Board (21 L. T. n. s. 582) 1074  
 Wragg v. Penn. Tp. (94 Ill. 11; 34 Am. Rep. 199) 972, 1709  
 Wray v. Ellis (1 E. & E. 276) 976  
 — v. Fry (158 Ind. 92; 62 N. E. 1004) 2534, 2538, 2623  
 — v. Pittsburgh (46 Pa. 365) 2539  
 — v. Toke (12 Q. B. 492) 952  
 Wreford v. Detroit (132 Mich. 348; 93 N. W. 876) 2579  
 — v. People (14 Mich. 41) 1028, 1035, 1049  
 Wren v. Indianapolis (96 Ind. 206) 1253, 2717  
 Wright, Matter of (29 Hun [N. Y.] 357) 1003  
 — v. Anniston (151 Ala. 465; 44 So. 151) 972  
 — v. Augusta (78 Ga. 241) 2301  
 — v. Austin (143 Cal. 236; 76 Pac. 1023; 65 L. R. A. 949; 101 Am. St. Rep. 97) 1830



## TABLE OF CASES CITED

491

[References are to pages]

- Wright v. Bishop (88 Ill. 302) 585,  
 2770  
 — v. Bond (127 N. Car. 39; 37  
 S. E. 65; 80 Am. St. Rep. 781) 2651  
 — v. Boston (9 Cush. [Mass.]  
 233) 2492, 2565, 2618, 2622, 2827  
 — v. Chicago (20 Ill. 252) 2399,  
 2400  
 — v. Chicago (46 Ill. 44) 2544, 2565  
 — v. Day (33 Wis. 260) 489  
 — v. Defrees (8 Ind. 298) 915  
 — v. Doniphan (169 Mo. 601;  
 70 S. W. 146) 1899  
 — v. East Riverside Irr. Dist.  
 (138 Fed. Rep. 313) 1371, 1477  
 — v. Fawcett (4 Burr. 2044) 2720  
 — v. Holbrook (52 N. H. 120;  
 13 Am. Rep. 12) 2909, 3026  
 — v. Hughes (13 Ind. 113) 1169  
 — v. Jacobs (12 Okla. 138; 70  
 Pac. 193) 729  
 — v. Kelley (4 Idaho, 624; 43  
 Pac. 565) 2650  
 — v. Kinney (123 N. Car. 618;  
 31 S. E. 874) 1294, 1296, 1298,  
 2676  
 — v. Lancaster (203 Pa. 276; 52  
 Atl. 245) 2961  
 — v. Linn (9 Pa. St. 433) 1576  
 — v. Meth. Ep. Church (1 Hoff.  
 [N. Y.] Ch. 225) 1568  
 — v. Milwaukee Elect. R. & L.  
 Co. (95 Wis. 29; 69 N. W. 791;  
 36 L. R. A. 47; 80 Am. St. Rep.  
 74) 1960, 2177  
 — v. Morgan (191 U. S. 55) 1564,  
 1583, 1597  
 — v. Mt. Vernon (44 N. Y. App.  
 Div. 574; 60 N. Y. Supp. 759,  
 aff'd 167 N. Y. 541; 60 N. E.  
 1123) 1699, 2115  
 — v. Oberlin (23 Ohio Cir. Ct.  
 509) 1687, 1891  
 — v. Portland (118 Mich. 23;  
 76 N. W. 141) 2817  
 — v. San Antonio ([Tex. Civ.  
 App.], 50 S. W. 406) 553  
 — v. Shanahan (149 N. Y. 495;  
 44 N. E. 74) 767  
 — v. Southern Bell Tel. Co. (127  
 Ga. 227; 56 S. E. 116) 2470, 2473  
 — v. Stockman (59 Ind. 65) 66  
 — v. Syracuse, O. & N. Y. R. Co.  
 (92 Hun [N. Y.] 32; 36 N. Y.  
 Supp. 901) 1992  
 — v. Templeton (132 Mass. 49) 3000  
 — v. Victoria (4 Tex. 375) 1585,  
 1704  
 — v. Wilmington (92 N. C. 156)  
 2933, 3050  
 Wrought Iron Bridge Co. v. Arkan-  
 sas City (59 Kan. 259; 52 Pac.  
 869) 569  
 Wrought Iron Bridge Co. v. At-  
 tica (119 N. Y. 204; 23 N. E.  
 542) 227, 232  
 — v. Utica (17 Fed. Rep. 316) 1661  
 Wrought Iron Range Co. v. Cam-  
 pen (135 N. Car. 506; 47 S. E.  
 658) 2326  
 — v. Johnson (84 Ga. 754; 11  
 S. E. 233; 8 L. R. A. 273) 2326  
 Wulflange v. McCollom (83 Ky.  
 361) 2654  
 Wulsen v. San Francisco (101 Cal.  
 15; 35 Pac. 353) 1611, 1649, 1656  
 Wurts v. Hoagland (114 U. S. 606) 2364,  
 2501  
 Wyandotte v. Corrigan (35 Kan.  
 21; 10 Pac. 99) 1971, 2060, 2420,  
 2476  
 — v. Gibson (25 Kan. 236) 2964  
 — v. White (13 Kan. 191) 2821  
 — v. Wood (5 Kan. 603) 129, 131,  
 307  
 — v. Zeitz (21 Kan. 649) 1139, 1154,  
 1327, 1391, 2950  
 Wyandotte & K. C. Br. Co. v.  
 Wyandotte County (10 Kan.  
 326) 2708  
 Wyandotte City Cemetery Assoc.  
 v. Meineger (14 Kan. 312) 1641,  
 1725  
 Wyandotte County v. Abbott (52  
 Kan. 148; 34 Pac. 416) 2377  
 — v. Arnold (49 Kan. 279; 30  
 Pac. 486) 2604  
 — v. Barker (45 Kan. 699; 26  
 Pac. 591) 2596, 2604  
 — v. First Presb. Church (30  
 Kan. 620; 1 Pac. 109) 1708, 1763  
 — v. Hoag (48 Kan. 413; 29  
 Pac. 758) 2604  
 Wyandotte Elect. L. Co. v. Wyan-  
 dotte (124 Mich. 43; 82 N. W.  
 821) 1948, 2059, 2065, 2149, 2150  
 Wyant v. Central Tel. Co. (123  
 Mich. 51; 81 N. W. 928; 81  
 Am. St. Rep. 155) 1098, 1930, 1931  
 Wyatt v. Harrison (3 Barn. & Ad.  
 871) 2933  
 — v. Rome (105 Ga. 312; 31 S.  
 E. 188) 2896  
 Wygant, *Ex parte* (39 Oreg. 429;  
 64 Pac. 867; 87 Am. St. Rep.  
 673) 986, 1033, 1034  
 — v. McLaughlan (39 Oreg.  
 429; 64 Pac. 867) 440, 441, 925,  
 928, 930, 941, 942  
 Wyker v. Francis (120 Ala. 509;  
 24 So. 895) 1292, 2677  
 Wykoff v. Healey (57 Minn. 14;  
 58 N. W. 685) 986  
 Wyley v. Wilson (44 Vt. 404) 830  
 — v. Gallagher (46 Pa. St. 205) 684

[References are to pages]

- Wyley v. Missouri Pac. R. Co.  
 (U. S. Cir. Court, S. D. N. Y.  
 MSS.) 1546  
 — v. Wausau (48 Wis. 506; 4  
 N. W. 682) 3004  
 Wyman v. New York (11 Wend.  
 [N. Y.] 487) 1716  
 — v. Philadelphia (175 Pa. 117;  
 34 Atl. 621) 2966, 2967, 2985  
 Wymond v. Barber Asphalt Pav.  
 Co. ([Ky.], 77 S. W. 203) 2580  
 Wyncoop v. Cong. Society of Belle-  
 vue (10 Iowa, 185) 345  
 Wynehamer v. People (13 N. Y.  
 378, 429) 135, 2847  
 Wynn v. Yonkers (80 N. Y. App.  
 Div. 277; 80 N. Y. Supp. 257) 1861  
 Wynne v. Wright (1 Dev. & B. [N.  
 Car.] Law, 19) 995, 2323  
 Wyoming Street (137 Pa. 494; 21  
 Atl. 74) 315, 1621  
 Wycaver v. Atkinson (37 Ohio  
 St. 80) 574  
 Wytheville v. Johnson (108 Va.  
 589; 62 S. E. 328) 2398  
  
 Xenia Real Estate Co. v. Macy  
 (147 Ind. 568; 47 N. E. 147) 2211  
 Xiques v. Bujac (5 La. An. 499) 1722,  
 1751, 1755, 1756, 1798  
  
 Yaggy v. Chicago (194 Ill. 88; 62  
 N. E. 316) 2607, 2609  
 Yahn v. Merritt (117 Ala. 485; 23  
 So. 71) 1001  
 — v. Ottumwa (60 Iowa, 429; 15  
 N. W. 257) 3000  
 Yale v. Hampden & B. Turnp. Co.  
 (18 Pick. [Mass.] 357) 3020  
 Yale College v. New Haven (57  
 Conn. 1; 17 Atl. 139) 1813, 1814  
 — v. Sanger (62 Fed. Rep. 177) 2258  
 Yale University v. New Haven (71  
 Conn. 316; 42 Atl. 87; 43 L. R.  
 A. 490) 2446  
 Yancy v. Fairview (23 Ky. Law  
 Rep. 2087; 66 S. W. 636) 620, 843  
 Yarish v. Cedar Rapids I. F. & N.  
 W. R. Co. (72 Iowa, 556; 34  
 N. W. 417) 585  
 Yarmouth v. North Yarmouth (34  
 Me. 411; 56 Am. Dec. 666) 143, 236  
 Yarmouth Borough, Re (2 Brown-  
 low & Goldsb. 292) 119  
 Yarnell v. Los Angeles (87 Cal. 603;  
 25 Pac. 767) 1378, 2395  
 Yarnold v. Lawrence (15 Kan. 126)  
 1197, 1205  
 Yaryan v. Toledo (28 Ohio Cir.  
 Ct. 259, aff'd 76 Ohio St. 584;  
 81 N. E. 1199) 1223  
  
 Yates v. Batavia (79 Ill. 500) 990  
 — v. Judd (18 Wis. 118) 489, 503,  
 1689, 1700, 1722  
 — v. Milwaukee (10 Wall. [U. S.]  
 497) 483, 489, 501, 514, 1038, 1700  
 — v. Milwaukee (12 Wis. 752) 1073,  
 1081, 1082  
 — v. Milwaukee (92 Wis. 352;  
 66 N. W. 248) 2445, 2484, 2573, 2576  
 — v. Royal Ins. Co. (200 Ill. 202;  
 65 N. E. 726) 2829, 2831  
 — v. Warrenton (84 Va. 337; 4  
 S. E. 818; 10 Am. St. Rep. 860) 1897  
 Yazoo & M. V. R. Co. v. Adams  
 (180 U. S. 1) 2450  
 — v. Adams (81 Miss. 90; 32  
 So. 937) 2441, 2442  
 — v. Delta Com'rs (132 U. S.  
 190) 2443  
 — v. Vicksburg (209 U. S. 358) 2450  
 Yazoo City v. Birchett (89 Miss.  
 700; 42 So. 569) 2135, 2911  
 — v. Lightcap (82 Miss. 148; 33  
 So. 948) 444  
 Yeager, *In re* (11 Gratt. [Va.] 665) 2647  
 — v. Fairmount (43 W. Va.  
 259; 27 S. E. 234) 2928, 3045  
 Yeakel v. Lafayette (48 Ind. 116) 1820,  
 2580, 2581  
 Yeatman v. Crandell (11 La. An.  
 229) 2379, 2503, 2565,  
 2576  
 — v. Foster County (2 N. Dak.  
 421; 51 N. W. 721) 2312  
 Yeaw v. Williams (15 R. I. 20; 23  
 Atl. 33) 2961  
 Yegen v. Yellowstone County (34  
 Mont. 79; 85 Pac. 740) 1558  
 Yell County v. Wills (83 Ark. 228;  
 103 S. W. 618) 1308  
 Yellowley v. Pitt County (73 N.  
 Car. 164) 1319, 1320  
 Yeomans v. Riddle (84 Iowa, 147;  
 50 N. W. 886) 2368, 2491  
 Yesler v. Seattle (1 Wash. 308; 25  
 Pac. 1014) 348, 431, 655, 1378,  
 1414  
 — v. Washington Harbor Line  
 Com'rs (146 U. S. 646) 501  
 Yick Wo, Matter of (68 Cal. 294;  
 9 Pac. 139; 58 Am. Rep. 12) 926,  
 985, 1103  
 — v. Hopkins (118 U. S. 356) 926,  
 941, 1103  
 Yolo County v. Barney (79 Cal.  
 375; 21 Pac. 833) 1896, 1901  
 Yonkers, Matter of (117 N. Y.  
 564; 23 N. E. 661) 1815, 1826  
 — v. New York Cent. & H. R. R.  
 Co. (165 N. Y. 142; 58 N. E.  
 877) 2064  
 — v. Yonkers R. Co. (51 N. Y.

## TABLE OF CASES CITED

493

[References are to pages]

App. Div. 271; 64 N. Y. Supp. 955)	921	66 N. E. 419; 97 Am. St. Rep. 418)	1588
Yonkers Board of Health v. Coppitt (140 N. Y. 12; 35 N. E. 443; 23 L. R. A. 485)	1047	Young v. Hall (9 Nev. 212)	2315
Yonkey v. State (27 Ind. 236)	728	— v. Harrison (6 Ga. 130, 141)	493
Yopp v. Wilmington (71 N. Car. 76)	2595	— v. Harrison (17 Ga. 30)	1673
Yordy v. Marshall County (86 Iowa, 340; 53 N. W. 298)	765, 766	— v. Harvey (16 Ind. 314)	3032
York v. Cedar Rapids (130 Iowa, 453; 103 N. W. 790)	2927	— v. Kansas City (152 Mo. 661)	118, 284
— v. Chicago, B. & Q. R. Co. (56 Neb. 572; 76 N. W. 1065)	2339, 2468	— v. Landis (73 N. J. L. 266; 62 Atl. 1133)	1696, 1697
— v. Conde (147 N. Y. 486; 42 N. E. 193)	2258	— v. Leedom (67 Pa. 351)	3041
— v. Forscht (23 Pa. St. 391)	550, 968	— v. Mankato (97 Minn. 4; 105 N. W. 969; 3 L. R. A. n. s. 849)	111
— v. Spellman (19 Neb. 357; 27 N. W. 213)	3013	— v. Metropolitan St. R. Co. (126 Mo. App. 1; 103 S. W. 135)	2900
York Buildings Co. v. Mackenzie (8 Brown, P. C. 42)	1141	— v. Montgomery & E. R. Co. (2 Woods, 606)	1386
York County v. Thompson (215 Pa. 578; 64 Atl. 781)	1287	— v. New Haven (39 Conn. 435)	2978
— v. Watson (15 S. Car. 1; 40 Am. Rep. 675)	764	— v. People (171 Ill. 299; 49 N. E. 503)	2611, 2625
York Tel. Co. v. Keesey (5 Pa. Dist. R. 366)	1927, 1930	— v. People (196 Ill. 603; 63 N. E. 1075)	2630
Yost's Report (17 Pa. St. 524)	1631	— v. Rothrock (121 Iowa, 588; 96 N. W. 1105)	1790, 1868
Young, <i>Ex parte</i> (209 U. S. 123; 13 L. R. A. n. s. 932)	2249, 2254, 2256, 2257, 2258, 2259	— v. St. Louis (47 Mo. 492)	873, 924
— v. Atlantic City (60 N. J. L. 125; 37 Atl. 444)	462, 955	— v. Salt Lake City (24 Utah, 321; 67 Pac. 1066)	2394
— v. Bank, &c. (4 Cranch [U. S.] 384)	440	— v. Tacoma (31 Wash. 153; 71 Pac. 742)	2480
— v. Black Hawk County (66 Iowa, 460; 23 N. W. 923)	825	— v. Webb City (150 Mo. 333; 51 S. W. 709)	2998, 3014, 3020
— v. Board, etc. (137 Ind. 323; 36 N. E. 1118)	334	— v. Webster City & S. W. R. Co. (75 Iowa, 140; 39 N. W. 234)	1905
— v. Boston (104 Mass. 95)	1069, 2205, 2208, 2775	— v. Yarmouth (9 Gray [Mass.] 386)	1922, 2798, 3035
— v. Buckingham (5 Ohio, 485)	827, 848	— v. Young (21 Ind. App. 509; 52 N. E. 776)	1266, 1267
— v. Camden County (19 Mo. 309)	1289	Young Bond & Stock Co. v. Mitchell County (21 Tex. Civ. App. 638; 54 S. W. 284)	1485
— v. Carey (184 Ill. 613; 56 N. E. 960)	109, 623	Youngblood v. Sexton (32 Mich. 406; 20 Am. Rep. 654)	996, 1022, 2463, 2469, 2470, 2471, 2788
— v. Charleston (20 S. C. 116; 47 Am. Rep. 827)	2953, 2957	Youngerman v. Polk County (110 Iowa, 731; 81 N. W. 163)	1705
— v. Clarendon (26 Fed. Rep. 805)	1508, 1511	Young's Case (101 Va. 853; 45 S. E. 327)	1008
— v. Clarendon Township (132 U. S. 340)	583, 1333, 1343, 1370, 1372, 1373, 1413, 1477, 2674	Youngs v. Hall (9 Nev. 212)	179, 195
— v. Com'rs of Highways (134 Ill. 569; 25 N. E. 689)	769	Youngster v. Paterson (40 N. J. L. 244)	2601
— v. Edgefield Road Com'rs (2 Nott & McC. [S. Car.] 537)	767, 768, 2852, 2855, 2857	Youngstown v. Moore (30 Ohio St. 133)	765, 2930
— v. Falmouth (183 Mass. 80;		Yunker v. Des Moines ([Iowa], 101 N. W. 1129)	1254
		Younkin v. Milwaukee L. H. & Tr. Co. (120 Wis. 477; 98 N. W. 215)	2007, 2031
		Ysleta v. Babbitt (8 Tex. Civ. App. 432; 28 S. W. 702)	200, 449, 2846, 2857

## TABLE OF CASES CITED

[References are to pages]

Yule v. New Orleans (25 La. An. 394)	2303	Co. (99 Wis. 83; 74 N. W. 538; 67 Am. St. Rep. 844)	2031
Yules v. Mallory (1 Bartlett Election Cas. 608)	856	Zeigler v. Hopkins (117 U. S. 683)	1647, 2590, 2595, 2597
Zable v. Louisville Bapt. Orphans' Home (92 Ky. 89; 17 S. W. 212)	2565	Zeiler v. Central R. Co. (84 Md. 304; 35 Atl. 932; 34 L. R. A. 469)	845, 846, 850
Zabriskie v. Cleveland C. & C. R. Co. (23 How. [U. S.] 381)	127, 457, 570, 1258	Zender v. Barber Asphalt Pav. Co. ([Ky.], 74 S. W. 201)	2456
— v. Hudson City (29 N. J. L. 115)	2601	Zettler v. Atlanta (66 Ga. 195)	2974
— v. Jersey City & B. R. Co. (13 N. J. Eq. 314)	1043, 1943, 2000	Zhizhuzza, <i>Ex parte</i> (147 Cal. 328; 81 Pac. 955)	318, 1023, 1025
Zalesky v. Cedar Rapids (118 Iowa, 714; 92 N. W. 657)	2452, 2631	Ziegler v. Chapin (126 N. Y. 342; 27 N. E. 471)	1559, 2777, 2778, 2780
Zanesville v. Fannan (53 Ohio St. 605; 42 N. E. 703; 53 Am. St. Rep. 664)	1998, 2077, 3034	— v. West Bend (102 Wis. 17; 78 N. W. 164)	2818
— v. Richards (5 Ohio St. 589)	2375, 2398, 2399, 2407	Zimmerman v. Snouden (88 Mo. 218)	2596
— v. Zanesville Gas Light Co. (47 Ohio St. 1; 23 N. E. 55)	2226, 2229, 2237	Zipp v. Fidelity & Deposit Co. (73 N. Y. App. Div. 20; 76 N. Y. Supp. 386)	1271
Zanone v. Mound City (103 Ill. 552)	930, 1014, 2647	Zoeller v. Kellogg (4 Mo. App. 163)	1681, 2517
Zartman v. State (109 Ind. 360; 10 N. E. 94)	626	Zottman v. San Francisco (20 Cal. 96)	1170, 1191, 1193, 1210, 2451
Zborowski, Matter of (68 N. Y. 88)	2608	Zuelly v. Casper (160 Ind. 455; 67 N. E. 103)	2783, 2785
Zearing v. Raber (74 Ill. 409)	1719, 1720, 1745	Zug v. Commonwealth (70 Pa. 138)	494
Zehnder v. Barber Asphalt Paving Co. (108 Fed. Rep. 570, rev'g 106 Fed. Rep. 103)	2519, 2521	Zumstein v. Mullen (67 Ohio St. 382; 66 N. E. 140)	251, 252, 261, 314
Zehren v. Milwaukee El. R. & L. Co. (99 Wis. 83; 74 N. W. 538; 67 Am. St. Rep. 844)		Zwietusch v. Milwaukee (55 Wis. 369; 13 N. W. 227)	1258, 2497
		Zylstra v. Charleston (1 Bay [S. Car.] 382)	952, 953, 956, 968, 1028, 1123, 1132, 1133, 2800

## INDEX





# INDEX

---

[The references are to sections. Volume I, sections 1-450; Volume II, sections 460-909;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

---

## ABANDONMENT,

of office, 420.

as cause for removal of officer, 476 n.

of abutter's easements, 1125.

## ABATEMENT,

of *mandamus* proceedings in case of death or resignation, 1520-1523.

in case of change in membership of council, 1546.

## ABOLISHING CORPORATIONS. (See DISSOLUTION OF CORPORATION.)

## ABUTTER. (See CERTIORARI; CONTRACTS; EQUITY; EMINENT DOMAIN; LOCAL IMPROVEMENTS; SPECIAL ASSESSMENTS; STREETS; TAXATION.)

### I. RIGHTS AND PRIVILEGES IN STREETS,

nature of abutters' rights in streets, 1126.

respective rights of abutter and public in streets, 1123, 1259.

when fee in abutter, 1211.

doctrine of abutter's easements, 1245.

has property rights in streets, 1016, 1123, 1124, 1134 n., 1156, 1168, 1261.

title to middle of street, 1076 n., 1084 n., 1134 n.

effect of fee of street being in abutter or municipality, 1134, 1136, 1149,  
1248, 1250, 1251, 1279.

right of access is property, 1016, 1134 n., 1168, 1268.

right to unobstructed view, or prospect, 1100 n., 1184 n.

how far easements in streets are protected by Fourteenth Amendment, 1127.

easements in streets; result of New York cases stated, 1124.

effect of later New York decisions, 1125.

incorporeal rights inseparable from abutting lots, 1125.

conveyance of property with reservation of right to compensation,  
1125.

destruction by adverse possession under statutory authority, 1125.

abandonment or extinguishment, 1125.

remedies in respect of rights and easements, 1134, 1135, 1151.

may recover for damages to easements of access, light and air, 1168, 1245, 1680.

easements may be taken under power of eminent domain, 1160.

boundaries of lots on streets; title to fee, 1084 n.

rights acquired by purchase according to plat, 1084.

interest in all streets shown on plat, 1084.

easements of light, air and prospect acquired by dedication, 1100 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ABUTTER**—*continued*.

- rights of abutters in public parks, 1097 n.
  - in public squares, 1131 n., 1132 n., 1134.
  - in shade trees, 721, 1126, 1134, 1677.
  - to connect with drains and sewers in street, 1162.
  - to soil or minerals in street, 1076, 1135, 1149, 1676.
  - of city to use or dispose of soil of streets, 1149.
  - to lateral support of soil of street, 1679.
- power to remove lateral support of street, 1153, 1679.
- damages for neglect of city to repair street, 1168 n.
- right to damages for obstruction of street, 1131.
- rights of, as against hackmen at public stands, 1167.
- cannot enter on highway to change grade, 1144 n.
- consequential damages not a "taking" of property; special remedy, 1680-1683.
  - grades and change of grades in street, 1676-1678.
  - liability of city for change of grade, 1152.
    - under constitutional provisions, 1684-1686.
  - elevated viaducts, bridge approaches, 1678.
  - construction of approach of tunnel in street, 1683.
  - special remedy exclusive, 1681.
  - remedy by injunction, 1682.
  - indirect injury to trade, 1680.
- damages for overflow of surface water, 1675 n., 1676 n., 1677 n., 1680 n., 1731-1738.
- lateral support of highway, 1153, 1679.
- obstructions; relief in equity, 1132.
- release from assessment by change of grade after contract made, 820.
- right to sue on contractor's bond, 830 n.
- rights of, on vacation of streets, 1023, 1106, 1160.
- remedy in equity against vacation of streets without compensation, 1160.
- dedication of strip for court yard purposes, 1075 n.
- use of street by abutter under license from city, liability of city, 1630 n.
- jurisdiction in equity to protect and enforce rights, 1047, 1095, 1132, 1160, 1571 n., 1682.
- injunction against nuisance in street, 1131.
- II. OPENINGS IN SIDEWALKS; ENCROACHMENTS,
  - power to make openings in sidewalks, 1178, 1179.
  - stepping stones, hitching posts, shade trees, etc., 1181.
  - vaults under sidewalks, 1178, 1179, 1180.
  - areas and cellarways in streets, 1180.
  - awnings over streets, 1186.
  - doors, shutters, iron gratings, etc., overhanging and in streets, 1183.
  - porches, bay windows, cornices and ornamental projections, 1182.
  - fruit, candy and market stands in streets, 1177.
  - temporary obstruction of streets for loading and unloading goods, 1169.
  - right to maintain private weigh scales in streets, 1176.
- III. STREET USES; ADDITIONAL SERVITUDES,
  - water pipes and mains in streets, 1212.
  - public lighting, 1213.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ABUTTER** — *continued*.

- telegraphs and telephone lines in streets, 1221.
- horse railways, 1248.
- street railways operated by mechanical power, 1249.
- interurban street railways, 1258.
- steam railroad; when fee in public, 1250.
  - when fee in abutter, 1251.
  - an additional burden, 1252.
  - rule in Pennsylvania, 1256.
  - rule in Texas, 1257.
- steam and street railroads; rule in Missouri, 1254.
  - rule in New York, 1255.
- steam, street and elevated railroads; rule in Illinois, 1253.
- elevated railways; New York legislation, 1259-1261.
  - development of the law in New York, 1262.
  - measure of damages, benefits, 1263.
- liability of city for damages caused by railroad, etc., in street, 1246.
- consent of abutters to construction of railroads in street, 1223-1225, 1232.
  - pecuniary inducements, 1232.
- construction of railroad spurs or sidings in streets for private use, 1176.
- injunction against construction of unauthorized railway, etc., in street, 1244.
- ejection by owner of fee of street as remedy for unauthorized use, 1244.

**IV. DUTIES AND LIABILITIES OF ABUTTERS,**

- ordinances regulating use and control of private property, 695.
- power to pave streets at expense of, 1144.
- power of city to compel building of sidewalk, 1147.
- no right in abutter to raise or lower sidewalk or street, 1132.
- failure to remove unsafe sidewalk after notice, 1457.
- duty to repair sidewalk, 1704.
- liability for failure to keep sidewalk in repair, 1704.
- removal of snow and ice by abutters, 713, 1447 n., 1697, 1704 n., 1726 n.
- liability for snow and ice on sidewalk, 1697.
- liability for snow and ice falling from roof, 1697 n.
- defects in sidewalk occasioned by natural causes, 1726 n.
- negligent or wrongful acts of abutters, liability, 1725.
- liability of abutter for unsafe coverings to vaults, etc., in street, 1726.
  - when work done by contractors, 1726.
  - for insufficient covering to excavation in sidewalk, 1726.
  - for excavations in street, 1720.
  - for negligent or wrongful act in opening streets, etc., 1725.
  - as between landlord and tenant, 1727 n.
- action over by city against abutter, 1727.
- validity of statute requiring notice of claim against abutter before action, 1613 n.
- liability for local improvement, 826.
- special assessments against, see **SPECIAL ASSESSMENTS**.
  - conditions precedent to abutter's liability, 1466, 1467.
  - consent of, to local improvement, 826.
  - estoppel by petitioning for improvement, 1454 n., 1677 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ABUTTER** — *continued*.

- assent when required is jurisdictional, 1454.
- implied guaranty by city to contractor of sufficiency of consent, 827 n.
- irregularities invalidating, 1611.
- when assessment cannot be validated, 127, 128.
- may enjoin collection of illegal assessment, 1589 n.
- injunction against street improvement ordinance, 650 n.

**ACCEPTANCE**,

- of charters. (See **CHARTER**.)
- statutes conditioned on acceptance by municipality, 155.

**ACCORD AND SATISFACTION**,

- acceptance of warrant as, 854 n.

**ACCRETION**,

- rights in accretions to dedicated lands, 1077.

**ACKNOWLEDGMENT**. (See **DEDICATION**.)

- of town plats and maps, 1071 n.

**ACQUIESCENCE**,

- consent of city to construction of street railway implied from, 1227 n.

**ACQUISITION OF PROPERTY**. (See **EMINENT DOMAIN**; **PROPERTY**.)

**ACT OF CORPORATE BODY**,

- what is, 238, 501.

**ACT OF LEGISLATURE**. (See **CHARTER**; **CONSTITUTIONAL LAW**; **CURATIVE ACTS**; **LEGISLATURE**.)

**ACTION AND LIABILITY**. (See **CONTRACTS**; **NEGLIGENCE**; **TORTS**.)

**I. IN GENERAL**,

- when private action lies against municipal corporation, 109, 246 n., 1610 *et seq.*
- doctrine of implied corporate liability, 109, 793 *et seq.*, 826 n., 1638 *et seq.*, 1665 *et seq.*
- rights of city in protecting property and transacting business of private character, 1610 n.
- legislative restriction of remedies against municipality, 1614.
- statute may require presentation of claim or demand before suit, 1612.
- notice of claim and demand before suit, 1613.
- notice of claim; physical or mental incapacity, 1613.
- special limitation of time to sue, 1613 n.
- power to settle and compromise, 821 n.
- powers and duties of city attorney, 389.
- power of public officers to sue, 433 n.
- corporate name in actions, 351.
- liability of officer for failure to perform duty enjoined by mandamus, 1517.
- mode of enforcing liability of New England towns, 992, 1506 n., 1639 n.
- statutes prohibiting recovery of costs against cities, 1379 n., 1421 n.
- new town bound by judgment against parent town, 358 n.
- remedies for corporate excess of power, 1573.
- usual remedy for unauthorized or illegal act is at law, not in equity, 1571.
- remedies for fraudulent disposition of corporate property and funds, 1575.
- remedy when corporation is trustee of property or fund, 1574.
- action by attorney general to recover moneys fraudulently obtained, 111 n., 1578.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## ACTION AND LIABILITY — *continued*.

### II. CONTRACTUAL,

- liability on implied contracts; *assumpsit*, 1615.
- general liability *ex contractu*; *ultra vires*, 1610.
- ultra vires* as a defence, 1611.
- liability of city for light furnished; implied contract, 1339.
- to recover consideration of void bond, 961.
- on warrants, 854, 857. (See WARRANTS.)
- by assignees, 854.
- limitation of actions on municipal contracts, etc., 1187-1194.
- on coupons of municipal bonds, 894.
- by holder of improvement bond to foreclose assessment lien, 893 n.
- liability in respect to opening streets, 1045, 1046. (See EMINENT DOMAIN;  
STREETS.)
- liability for consequential damages of authorized act, 1674, 1675.
- consequential damages; grades and change of grades in street, 1676-1686.
- against city to recover stock, or for an accounting *ex contractu*, 1645 n.
- injunction against collection of illegal taxes, 1589, 1590.
- to recover money voluntarily paid, 273 n., 1616-1619.
- what is a voluntary payment, 273 n., 1621.
- for services rendered and materials furnished, right of city to set off, 1612 n.
- to enforce payment of debts of dissolved corporation, 336.
- liability of city for license issued without authority, 1630.

### III. FOR TORTIOUS ACTS,

- liability for torts, 1246, 1625 *et seq.*
- implied liability, 1665, 1666-1668.
- distinction between municipal and *quasi* corporations, 38, 39, 1638 *et seq.*,  
1645, 1646, 1668, 1673 *et seq.*
- civil liability of quasi-corporations, 1638, 1639, 1645 n., 1687-1690, 1708 n.
- implied liability of municipal corporations proper for misfeasance and  
nonfeasance, 1645, 1646.
- whether neglected duty involves liability depends upon its nature, 1643 n.,  
1646, 1665.
- cases where implied corporate liability exists, 1651.
- for acts *ultra vires*, 1647-1650, 1654.
- application of doctrine of *respondet superior*, 1647.
- for collapse of reservoir, 1303 n.
- for wrongful acts done *colore officii*, 1652.
- for negligence in constructing and maintaining waterworks, light plant,  
etc., 1670.
- liability of city as property owner, 1671-1673.
- liability for defective streets and sidewalks, 1687 *et seq.* (See STREETS.)
- liability for defective sewers, drains, and surface water, 1731-1745. (See  
SEWERS AND DRAINS; SURFACE WATER.)
- demolition of houses to prevent spread of fire, 1632-1635.
- liability for failure to abate nuisances, 1628.
- for failure to enforce by-laws, 1627.
- for damages to private property from negligence, 1673 n.
- to patentee of invention for infringement, 1645 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **ACTION AND LIABILITY — *continued*.**

## **IV. ACTIONS BY MUNICIPALITIES,**

- civil actions to enforce ordinances, 634-637. (See also **ORDINANCES**.)
- in corporate name for penalty under ordinance, 642.
- to recover taxes and assessments, 1392 n., 1414-1416.
- personal liability of property owner for special assessment, 1453.
- private action for breach of duty imposed by by-law, 573 n.
- actions by taxpayers and others to prevent illegal corporate acts, 1574 *et seq.*
- right of taxpayer to enforce affirmative action of city, 1588.

## **ACTS. (See also CITY COUNCIL; MEETINGS; OFFICE AND OFFICER; QUORUM.)**

- must be transacted at corporate meeting, 501, 511, 788.
- quorum essential to valid action, 541.
- concurrence requisite, 526, 536.
- may be ratified by subsequent legal meeting, 509 n.
- of corporation under statute not in force, 588 n.
- after a valid adjournment illegal, 510 n.
- of *de facto* council valid, 553.
- judicial and ministerial, distinction in respect to majority principle, 522.
- may rescind previous acts, 539.
- in pari materia*, how construed, 236 n.
- of corporation must be pleaded and proved, 231.
- may be proved by parol, 555, 557, 558.
- of boards of public agents, parol evidence competent, 557 n.
- void, when beyond scope of power, 237, 333, 1647-1650. (See **ULTRA VIRES**.)
- prohibition as remedy against illegal acts, 1047, 1596.
- remedies for unauthorized or illegal corporate acts, 1570 *et seq.*
- of *de facto* officers, 360 n., 374 n., 395, 413 n., 485 n., 518, 643, 916, 1377 n., 1554 n., 1650 n.

## **ADDITIONAL WORK,**

- distinguished from "extra work," 813 n.

## **ADJOURNMENT,**

- power to adjourn meeting, 510, 535.
- of special meetings, 535.
- of New England town meeting, 507.
- of meetings under English Municipal Corporations Act, 506.
- by less than quorum, 527 n.
- when vote by ayes and nays required, 540 n.
- acts of members or voters after adjournment, 50, 510 n.
- what may be done at adjourned meeting, 535.
- proof of adjournment by parol, 555.
- presumption of regularity of adjourned meeting, 538.

## **ADMINISTRATOR,**

- cannot dedicate decedent's lands, 1078 n.
- notice of claim for damages for death and demand before suit, 1613.

## **ADMIRALTY,**

- maritime liens on municipal property, 993.
- seizure *in rem* of vessels owned by city, 993.
- liability of city in, for negligence of fire-boat, 1340 n., 1644.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ADMISSIONS,**

admissibility of admissions of officers as evidence, 435.

**ADULTERATION,**

preservatives in dairy products, 666 n.

**ADVERSE POSSESSION.** (See also **LIMITATION OF ACTIONS.**)

city may acquire title by, 978 n.

no prescriptive right as against public in public street, 1187-1194.

against public corporation, 978 n.

against private and proprietary rights of municipality, 1188.

destruction of abutter's easements in streets by adverse possession under statutory authority, 1125, 1262.

**ADVERTISING TRUCKS,**

exclusion from city streets, 1166, n.

**AGENTS,**

what power may be delegated, 244, 775, 785.

public powers and trusts cannot be delegated, 244.

may be appointed for ministerial duties, 244.

officers are agents of municipality, 916.

legislative power to appoint municipal agent, 115, 121.

implied authority of agent, 393 n.

power to contract for municipality, 244, 775 *et seq.*

those dealing with, charged with knowledge of authority, 777.

action must be corporate, not individual, 788.

mode of executing municipal contracts, 785-787.

deeds by agents of municipality, 999.

authority to negotiate sale of bonds, 784 n.

cities are agents of State in exercising police power, 301 n., 1656

application of majority principle to municipal agents, 522.

agency of water committee for city, 102 n.

parol evidence to prove acts of boards of public agents, 557 n.

appointment by county commissioners by parol, 558 n.

agency of town committee for town, 522 n.

liability for trespass by agent, 1650 n.

personal liability under contracts, 785-787.

admissibility of corporate records in actions against, 561.

**AGRICULTURAL DISTRICTS,**

power to contract for water for fire protection, 1296 n.

**AGRICULTURAL LANDS,**

extension of boundaries to include, 355 n.

municipal taxation of, 1394, 1395.

special assessments against, in Pennsylvania, 1438.

**AID TO RAILWAYS.** (See **MUNICIPAL BONDS; RAILROAD AID.**)

**ALDERMAN.** (See **COUNCIL; OFFICER.**)

office at common law, 410.

integral part of an old English corporation, 53.

is a "civil officer," 102 n.

acting as mayor, 387 n.

liability for passing unauthorized ordinance, 429 n.

*mandamus* to compel regular performance of official duties, 1484 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

ALIENATION. (See DEDICATION; PROPERTY; SALE.)

ALIENS,

contract stipulations against employment of, 808.

ALLEYS. (See STREETS.)

distinguished from "streets," 1121, n.

estoppel of city to dispute vacation of, 1160 n.

obstructions to, 1131, n.

ALLUVION,

rights to, within corporate limits, 978 n., 284 *et seq.*; 977 n., 978 n., 1077.

AMBULANCES,

ordinances limiting speed of vehicles, 1166 n.

liability for negligence of driver, 1656 n., 1661.

AMENDMENT,

of municipal charters, 75, 231 n., 233.

effect of, 233.

of record of meetings, 551-554. (See RECORDS AND DOCUMENTS.)

ordinance cannot be amended by resolution, 572.

of records *nunc pro tunc*, 554 n.

AMMONIA,

use of streets for laying pipes to distribute ammonia for refrigeration, 1300 n.

AMOTION. (See OFFICE AND OFFICERS; REMOVAL OF OFFICERS.)

AMUSEMENTS. (See EXHIBITIONS.)

power to license and tax, 661, 664, 1367, 1369 n.

ANCIENT CITIES,

historical view of, 1.

ANCIENT ROME,

historical sketch, 4.

ANIMALS. (See ORDINANCES; POLICE POWER.)

power to impound and forfeit, 310, 620-623.

must be strictly pursued, 310, 620, 623 n.

ordinances prohibiting running at large, 592 n., 601 n.

regulation of dogs, 724.

of stables, 665 n., 692.

of slaughter houses, 691.

strays, 723.

hitching horses in streets, 712 n.

keeping hogs and swine, 693.

prohibiting hitching of horses to trees, 721 n.

prevention of cruelty to, 726 n., 729 n.

removal and disposal of carcasses of animals, 589 n., 679.

bringing carcasses into cities for rendering purposes, 666 n.

liability of city for animals at large in streets, 1627.

liability for defective street to person injured while racing horses, 1691 n.

defects and obstructions in street tending to frighten, liability, 1702.

city not bound to keep streets in condition for horse-racing, 1706.

liability for runaway horse killed through lack of barriers, 1698 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-909; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ANNEXATION.** (See **BOUNDARIES.**)

- power to authorize, 355.
- of territory to cities having free-holders' charters, 63 n.
- municipal affair, under prohibition of special laws, 165.
- not prevented by constitutional limitation of indebtedness, 191.
- statute authorizing, not a regulation of "internal affairs," 162.
- title to property on, 359.
- property and debts on division of municipality, 358.
- power of legislature to apportion debts and property, 360.
- does not affect corporate existence, 337.
- regulation of rates of existing public service corporation in territory annexed, 1325.
- quo warranto* to try validity of, 1556 n.

**APPEAL.** (See **BAIL; CERTIORARI; MUNICIPAL COURTS; WRIT OF ERROR.**)

- power of city attorney to take appeal, 824 n.
- by city without giving *supersedeas* bond, 821 n.
- from decisions of municipal court, 757.
- summary proceedings where jury trial is given by appeal, 756.
- from confirmation of appraisements by court of general jurisdiction, 757.
- from proceedings of inferior tribunals, 757, 1595, 1596 n.
- from proceedings to open streets, 1047, 1592.
- effect on right to *mandamus*, 1486 n., 1503 n.
- in *mandamus* proceedings, 1546 n.
- certiorari* not granted when appeal lies, 1592 n., 1595.
- not a substitute for appeal, 1593.

**APPEARANCE,**

- power of city attorney to appear, 389.

**APPROPRIATION,**

- statutory requirement of, before contracting, 790.
- limit on power of council, 42, 237 n., 309, 824 n.
- illegal appropriation restrained, 1579-1587.
- duty of council to make appropriations, 1736 n.
- made for lawful and unlawful objects, validity, 1582 n.

**ARBITRATION,**

- power to arbitrate claims, 822, 1057 n.
- legislative power to compel city to arbitrate, 1582 n.

**ARCHITECT,**

- employment of, by city, 701.
- contract with, without advertisement or competition, 802.

**AREA,**

- under sidewalks, 1124, 1178, 1179, 1180.
- conditions and regulations respecting, 1154 n., 1156 n., 1408 n.
- liability of abutter, 1725, 1727 n.
- street grading assessment in proportion to, 1437 n.
- sewer assessments in proportion to area, 1459.

**ARMORY,**

- State, and not a municipal purpose, 1367 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ARREST,**

- power of police officers to make, 390, 391.
- when city council may authorize, 390 n.
- without warrant, 390 n., 391, 640 n.
- for breach of ordinances, 640 n.
- liability of city for wrongful arrest, 1656.

**ART GALLERIES,**

- erection in public parks, 1096.

**ARTESIAN WELLS,**

- damages by abstraction of sub-surface waters for commercial purposes, 1341.

**ASHES,**

- liability for negligent acts of officers and agents in removing, 1662.

**ASSAULT,**

- power to punish by ordinance, 632 n., 751, 752, 753 n., 754.
- liability of city for assault by police officer, 797, 1656.
- right to jury trial in municipal court, 751, 754.

**ASSESSMENT.** (See **SPECIAL ASSESSMENT; TAXATION.**)**ASSIGNMENT,**

- of contract, 832, 1610 n.
- of money to become due on contract, 832.
- of part of claim under contract, 832.
- prohibition of assignment of contract, 832.
- of contract to supply city with water, 1302, n.
- of reserved right of city to purchase gas works, 1312, n.
- of contract of water company with city for water supply, 1338, n.
- of grant of franchise or municipal consent for street railway purposes, 1231 n.
- of contract for use of convict labor, 832 n.
- of claim of lienor, 831 n.
- of unearned salary of public officer, 428 n.
- of claim, necessity of notice, 831, n.
- action by sub-contractor of assignee of contract on contractor's bond, 830.
- actions by assignees of warrants, 854.

**ASSUMPSIT,**

- enforcement of by-laws by action of, 634, 636, 639 n.
- recovery of taxes by action of, 1416, 1463.
- to recover back illegal taxes, 1616.
- liability on implied contract, 793, 795, 796, 824, 1610 n., 1615, 1616.
- implied liability for water and light furnished, 1338.
- implied liability to repay consideration for *ultra vires* contract, 1610 n.
- to recover consideration of void bonds, 796, 961.
- implied liability of city for money paid by mistake, 794.
- by city to recover money paid under void warrant, 857.

**ASYLUMS,**

- dedication of home for inebriates, 1100 n.

**ATTACHMENT FOR CONTEMPT,**

- officer disobeying rule for inspection of records, 560.
- to enforce obedience to writ of *mandamus*, 1543, 1544.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ATTACHMENT OF PROPERTY**

- of official salary, 428.
- municipal revenues not subject, 248.
- garnishment of municipal corporation, 249.

**ATTORNEY-AT-LAW.** (See also CITY ATTORNEY.)

- employment of, 307, 824.
- contracts with, 54, n., 824.
- employment of, by mayor in emergency, 824, n.
- employment of member of board as, 773 n.
- exclusive power of city attorney to act for city, 824.
- employment to defend policeman charged with assault, 797.
- liability of corporation to, 422 n., 541 n., 824.
- compensation of city attorney, 426 n., 824.
- liens on municipal property, 993.
- power of city attorney to appeal, 824.
- power to refer cause, 789 n.
- contracts with, for legal services, 389 n.
- without competition, 802.
- recovery against county under assignment by court, 824 n.
- liability for occupation taxes, 1408 n.

**ATTORNEY GENERAL,**

- action by, to recover moneys fraudulently obtained, 1578.
- suit by, to restrain unauthorized letting of contract, 1577.
- action by, for fraudulent disposition of corporate property and funds, 1575-1578.
- suit by, to restrain unauthorized laying of gas pipe, 1244 n.
- suit by, to enjoin construction of street railway without municipal consent, 1226 n.
- action by, to vacate charter of railway company for breach of condition, 1231 n.
- mandamus* on the relation of, 1527.
- quo warranto* to try usurpation of corporate franchise, 1560.

**ATTORNEY IN FACT.** (See AGENT.)

- when appointment need not be under seal, 361.

**AUCTION AND AUCTIONEER,**

- sale or lease of property to highest bidder, 589 n., 801 n., 995.
- ordinances regulating, 589 n.
- licensing and regulating auction sales, 661 n.
- power to license, 661 n., 718 n.
- both State and city licenses may be required, 234.
- combinations to prevent bidding, 781.
- sale by auction of franchise for street railway, 801.
- prohibition of street sales, 1161.

**AUDIT,**

- mandamus* to compel audit of claims, 1506 n.
- mandamus* to issue warrant for audited claim, 866.
- as condition precedent to issuance of warrant, 851.
- what constitutes refusal to allow claim, 1611 n.

[The references are to sections. Volumes I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**AUDIT** — *continued*.

- remedy of creditor for refusal to allow claim, 866.
- impeaching validity of audit, 866 n.
- audit and part payment of claim as estoppel, 778.
- taxpayer's action to restrain audit and payment, 1585 n.
- rescission of, 866.

**AUTOMOBILES,**

- regulations respecting, 714.
- use of streets for speed contest, 714.

**AWNINGS,**

- ordinances regulating and prohibiting, 589 n.
- unauthorized, an unlawful obstruction, 1161 n.
- right to construct and maintain, over streets, 1186.
- liability for unsafe, 1705, 1727 n.
  - of owner and tenant, 1705 n.

**AYES AND NAYS,**

- charter requirement of vote by, 540, 784 n.
- entry in journal, 540.
- presumption that statute complied with, 579 n.

**BAIL,**

- liability of city for wrongful refusal of, 1656 n.

**BAKERS,**

- power to license and regulate, 619 n., 661 n.
- power to regulate weight and price of bread, 661 n., 666 n., 711.
- limiting hours of employment, 666 n.

**BALLOT.** (See **ELECTION.**)

- election of officers by, 371, 375.

**BALTIMORE,**

- McDonough's devise for education of poor, 984.

**BANK,**

- power of Congress to incorporate, 57.
- taxation of property of, 1369, 1393.
- occupation taxes on national banks, 1410 n.

**BANKRUPTCY,**

- taxation of property in hands of trustee in bankruptcy, 1401 n.

**BANQUETS AND ENTERTAINMENTS,**

- power of municipality to give, 309.

**BARBERS,**

- Sunday closing ordinances, 719 n.

**BAWDY HOUSES,**

- suppression of, 236 n., 585 n., 686, 718, 753.

**BAY WINDOWS,**

- in or over streets, 1182, 1184, 1185.

**BEASTS.** (See **ANIMALS; ORDINANCES.**)**BENEFITS AND DAMAGES.** (See **DAMAGES; EMINENT DOMAIN; SPECIAL ASSESSMENTS; TAXATION.**)



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**BICYCLES,**

- restriction of use of highways for, 1166 n.
- prohibiting use of sidewalk, 712 n., 1166 n.
- bicycle paths in streets, 1150.
- prohibiting, in parks, 665 n.
- liability for permitting riding on sidewalk, 1627 n.

**BILL BOARDS,**

- ordinances regulating erection of, 598 n., 697.

**BILLIARDS,**

- regulation of, 685, 731.
- power to prohibit in saloons, 674.
- tax on billiard tables, 1366.

**BLACKSMITH SHOP,**

- power to close as a nuisance, 684 n.

**BLASTING,**

- when a nuisance, 684 n.
- ordinances prohibiting without permit, 598 n.
- liability for damages caused by concussion, 1170 n., 1655 n., 1722 n., 1723 n.

**BOARD OF EDUCATION,**

- when members are city officials, 400.

**BOARD OF HEALTH. (See HEALTH; NUISANCES.)**

- power to rent hospital building, 681 n.

**BOARD OF PUBLIC WORKS,**

- a *quasi* corporation, 550 n.
- record of proceedings, 550 n.

**BOARDING HOUSES,**

- water rates for boarding-houses, hotels and dwelling-houses, 1317 n.

**BOATING,**

- prohibition of, on lake forming source of water supply, 1316 n.

**BOATS AND VESSELS. (See SHIPPING.)**

**BOILERS,**

- municipal liability for negligence of inspectors, 1647 n., 1656 n.

**BONA FIDE HOLDERS,**

- of municipal bonds, 879, 931.
- of municipal warrants, 856, 858.
- estoppel of municipality by recitals in bonds, see MUNICIPAL BONDS.
- illegal disposition of consideration for issue of bonds, 934.

**BONDS,**

**I. OFFICIAL,**

- power to require; validity, 394-396, 433.
- approval, 394 n., 1486.
- conditions, 396.
- of *de facto* officers, 395 n., 396 n., 518 n.
- voluntary and common-law obligations, 396.
- actions on, 396 n.
- liability of surety for illegal issue of warrants, 864.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**BONDS** — *continued*.

**II. MUNICIPAL BONDS.** (See **BORROWING MONEY**; **LIMITATION OF INDEBTEDNESS**; **MUNICIPAL BONDS**.)

**III. OF CONTRACTORS AND OTHERS,**

- statutory and common-law obligations, 830.
- release of surety by changes in contract, 830 n.
- liability of surety for personal injuries, 830 n.
- recovery over against underlying security, 830 n.
- suits by material-men and mechanics, 830.
- liability for failure to exact, 439 n., 441 n.
- for payment of penalty to municipality for breach of condition of franchise, 1231.

**BOOKS AND PAPERS.** (See **EVIDENCE**; **RECORDS AND DOCUMENTS**.)

- mode of compelling delivery; *mandamus*, 559, 1505.
- right of inspection, 560, 1505.
- replevin to recover, 559.

**BOROUGHES,**

- in England, 10.
- how constituted, 53.
- borough courts in England, 742.

**BORROWING MONEY.** (See **LIMITATION OF INDEBTEDNESS**; **MUNICIPAL BONDS**; **RAILROAD AID**.)

- constitutional provisions restricting power, 74.
- implied power, 278-282.
- legislative power over municipal debt, 113 n.
  - New Jersey decisions, 285.
  - New York decisions, 286.
  - rule in Michigan, Illinois, and other States, 287.
- when power will be held to exist, 288, 289, 290.
- constitutional power of general government, 291.
- what is a borrowing, 291, 293, 1615 n.
- borrowing and creation of debt distinguished, 279 n., 294.
- express power; negotiable paper, 291, 293, 872.
- decisions of Federal Supreme Court, 283, 284.
- special limitations on power, 294.
- special charter limitations construed, 296-298.
- constitutional limitations of power, 190 *et seq.* (See **LIMITATION OF INDEBTEDNESS**.)
- does not authorize notes to circulate as money, 291.
- power to borrow to pay railroad aid subscriptions, 322.
- limitation of amount, 292.
- pledge of municipal warrants as security, 586 n.
- power to borrow does not authorize loan of city's credit, 814 n.
- when special and limited authority of agent exhausted, 777 n.
- subrogation of lender to claims paid with loan, 862 n.
- power of taxation for purposes of payment, 1380, 1403.

**BOULEVARDS,**

- power to lay out parkways, 1150.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

#### BOULEVARDS — *continued*.

- establishing building line on private property on boulevard, 695.
- construction of water pipes in, 1212 n.
- special assessment for maintenance or repair, 1439 n.
- special assessment against railroad property for improvement, 1451 n.
- liability for defects in, 1659 n.

#### BOUNDARIES,

- must be defined, 352.
- boundary line fixed by user, 354 n.
- entry on private lands to survey and locate, 1050 n.
- places bounded on rivers, 352 n., 1157 n.
- only one corporation of same kind in same area, 354.
- taxation of agricultural lands within city limits, 1394.
- legislative power to fix and determine, 353.
  - to change, 355, 360.
- delegation of legislative power as to, 352, 353, 355.
- delegation to courts of power to fix, 352 n., 353 n.
- enlargement of, 355.
- power to divide towns, 358.
- power to disconnect or detach territory, 356, 1374 n.
- annexation of territory to cities having freeholders' charters, 63.
- effect of change on corporate existence, 233, 336, 337, 338 n.
- rights of creditors on change of boundaries, 106, 359.
- corporate property on division of territory, 359.
- effect of change on dedicated lands, 1087.
- dedicated streets bordering on navigable streams, 1077.
- annexation of territory and taxation, 106, 355, 357, 1394, 1395, 1559.
- regulation of rates of existing public service corporation in territory annexed, 1325.
- effect of change on franchises in streets, 1304.
- what powers may extend beyond, 352 n., 354 n., 662 n., 776, 1571 n., 1573 n.
- grant of police power beyond, 352 n.
- power of taxation confined to city limits, 106 n., 1034 n., 1352 n., 1387 n.
- power to tax lands beyond city limits for city purposes, 1352 n.
- supplying water to other cities and beyond limits, 1299.
- extending fire protection beyond limits, 1299 n.
- condemnation of lands beyond limits, 1028, 1033 n.
- jurisdiction of municipal court outside limits, 747 n.
- power of board of health to abate nuisance beyond town boundaries, 684 n.
- contracting to do act beyond limits, 777 n.
- acquiring and holding real estate beyond limits, 980.
- condemning lands for park beyond limits, 1034 n.
- constructing sewers beyond city limits, 776.
- preventing nuisances beyond city boundaries, 662 n.
- validity of extension not triable in *quo warranto* against officer, 1559 n.

#### BOUNTIES,

- loans and taxation to pay, 312.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-999; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**BOWLING ALLEYS,**

- regulation of, 731.
- when a public nuisance, 685.
- prohibition of, in saloons, 674.

**BREACH OF PEACE,**

- power to punish by ordinance, 632 n.
- vagrancy distinguished from, 722 n.

**BREAD,**

- ordinances regulating size, weight, and price, 661 n., 711.

**BRIBERY,**

- expulsion for receiving bribe, 469, 471.
- impeaching validity of ordinance for, 778.
- consents of local authorities to street railways held invalid for, 1227 n.
- attacking validity of bond election for, 954 n.

**BRICK-MAKING,**

- regulating on private lands, 695.
- not a nuisance *per se*, 684 n.
- power of city to make brick for paving, 1292 n.

**BRIDGES.** (See also NEGLIGENCE; STREETS; TORTS.)**I. POWER TO CONSTRUCT AND MAINTAIN,**

- definition, 1157 n.
- part of street or highway, 1157, 1688 n.
- legislative power to authorize or compel building of, 115, 121, 1038 n.
- powers and duties of municipalities, 1157, 1688 n.
- municipal power to construct free bridges over streams, 1158.
- across streams intersecting city streets, 1157 n.
- power to bridge navigable streams, 277 a, 1293 n.
- grant of authority to construct from Congress, 277 a, 1013 n.
- across navigable river connecting two cities is city purpose, 121 n., 1655 n.
- works of internal improvement, 885.
- devise of property to town to be used in repairing, 988 n.
- power of city to condemn lands beyond municipal limits, 1028.
- power of county to aid construction of toll bridge, 885, 1140 n.
- acquisition by city of stock in bridge company, 121 n.
- donation for erection of, 981 n.
- grants in aid of, 982 n., 987 n.
- power to aid construction under general welfare clause, 719.
- duty of adjacent towns bounding on river, 352 n., 1157 n.
- expense of erecting and maintaining on division of towns, 358.
- municipal power to erect toll bridge and collect toll, 1158 n.
- rights of city as purchaser of toll bridge, 1140 n.
- condemnation of toll bridge for highway purposes, 1013.
- approaches and elevated viaducts in streets, 1159.
- county bridge not subject to mechanic's lien, 993.
- obligation of person dedicating to maintain, 1075 n.
- private bridges across streets connecting opposite buildings, 1176.
- ordinance imposing fine for injury to, 1162.
- taxation to pay for, 1352 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**BRIDGES** — *continued*.

grant of right to lay railway track across, 1392 n.  
consequential injuries to abutters by construction of approach, 1678.  
damages for constructing approach in street, 1678 n.  
over rivers forming boundary of State; taxation, 1388 n., 1392 n.  
obligation as to draw-bridge over navigable rivers, 1157 n.

**II. LIABILITY FOR UNSAFE BRIDGES,**

duty of repair; municipal control, 1157.  
duty to repair; liability for defects, 1157 n. 1638 n., 1640 n., 1687 n., 1688, 1689, 1708 n., 1717 n., 1724 n.  
liability of city for negligent construction, 1663 n.  
liability of county for defective bridges, 1140 n., 1688 n.  
primary liability of town for defects, 1730 n.  
indictment of town for not erecting, 1599.  
indictment for neglect of duty to repair, 1600.  
*mandamus* to compel city to take charge of and maintain, 121, 1527 n.  
or indictment in case of non-repair, 1157 n., 1493 n., 1599 n., 1600.  
to compel city to perform duties as to, 1157 n., 1487 n., 1493 n.  
to county to compel repair, 1689 n.  
liability for negligently adopting insufficient plan, 1688 n., 1689 n., 1717 n.  
of city for defective bridge owned by State, 1696 n., 1700 n.  
of city for bridge erected in street by bridge company, 1683 n.  
question whether bridge or not is for jury, 1157 n.  
liability for raising street making height of railroad bridge insufficient, 1724 n.  
contribution where one municipality sued for neglect to repair, 1615.  
duty of person building bridge for his own benefit, 1157 n.

**BROKER,**

employment to sell municipal bonds, 895.

**BROTHEL.** (See **BAWDY HOUSES**.)

**BUILDING LINE,**

statutory requirement that buildings recede from old to new building line, 1029.  
establishing within private property on boulevards, etc., 695.

**BUILDING MATERIALS,**

temporary obstruction of streets by, 1169, 1170.

**BUILDINGS.** (See also **FIRE**; **HEALTH**; **ORDINANCES**; **PUBLIC BUILDINGS**; **STREETS**.)

right of lateral support of soil of street, 1153.  
regulations of the height of, 696, 1245 n.  
regulating character and quality of erections on private property, 695.  
establishing building line within private property on boulevards, etc., 695.  
power to prescribe fire limits, 727.  
interference with electric wires in moving buildings on streets, 1220 n.  
regulation of hoistways in, 728.  
use of streets for moving buildings, 715.  
removal of snow from roofs, 712 n.  
encroaching projections, see **BAY WINDOWS**; **PORCHES**; **STREETS**.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## CHARITY AND CHARITABLE INSTITUTIONS,

- power of city to take and hold for charitable uses, 107, 982.
- gifts and grants for benefit of municipality, 981.
- charitable trusts germane to corporate purposes, 988.
- devises and grants for objects foreign to corporate purposes, 989.
- dedication of lands for charitable uses, 1100.
- devise in will for erection and support of hospital, 987.
  - for education and support of orphans, 983.
  - for relief of poor emigrants, 986.
  - to educate poor, 984, 985.
- exemption from taxation does not exempt from special assessment, 1444.
- obligation of water company to furnish free supply, 1306 n.
- liability of city for acts of officers in maintaining buildings, 1661.
  - to inmates of hospitals, 1661 n.
- legislative control of municipal charities, 982.
- appointment of trustees of charitable trust, 107, 982, 989 n.
- suit by attorney general to enjoin misappropriation of charitable fund, 1577.

## CHARIVARI,

- disorderly conduct, 729 n.

## CHARTER. (See ORDINANCES; POWERS AND DUTIES.)

### I. HOW GRANTED; CONSTRUCTION, ETC.,

- defined, 50, 230.
- origin of, in Middle Ages, 5.
- of community in France, 7.
- of municipalities in Spain, 8.
- of towns and boroughs in England, 10, 53.
- outline of ancient charter, 7.
- royal and parliamentary, in England, 50, 51.
- effect of English General Municipal Corporations Act of 1835, 54.
- power of Congress and the Territories to grant, 57.
- special laws granting, 59.
- incorporation under general incorporation acts, 61.
- conflict between general laws and special charters, 235, 236, 1404.
- classification of cities based on existing special charters, 157.
- grants of, not special laws regulating internal affairs, 162.
- effect of recognition of city by Constitutional provision, 70.
- special constitutional provisions in respect to charters, 70, 75.
- constitutional provisions authorizing cities to frame their charters, 63.
- de facto* corporations, 67.
- statutes validating incorporation, 68.
- acceptance of, not necessary, 52, 69, 92, 108, 230.
- may be made conditional on consent of inhabitants, 69, 1557 n.
- acceptance necessary in England when granted by Crown, 52, 108, 230.
- substitutionary charters, 234.
- outline of ordinary municipal charters, 59.
- corporators and members, 60.
- prescribes name of corporation, 345, 347.
- usually defines boundaries, 59, 352, 353.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# CHARTER — *continued*.

judicially noticed, 231.

how proved, 232.

by user, reputation, and legislative recognition, 232.

how particular provisions construed, 235.

construction of grants of powers, 237, 238, 239.

corporate powers granted by, see separate titles herein.

ordinances cannot enlarge or change charter provisions, 587.

power to prevent nuisances beyond city boundary, 662 n.

jurisdiction of municipal court outside city limits, 747 n.

power to construct sewers beyond city limits, 776.

power of city to contract to do act beyond its limits, 777 n.

power to acquire and hold real estate beyond corporate limits, 980.

condemnation of lands beyond municipal limits, 1028.

power to condemn lands for park outside municipal limits, 1034 n.

*quo warranto* to try validity of incorporation, 1556.

implied repeal of general laws, 236.

## II. AMENDMENT; REPEAL; FORFEITURE,

not a contract between State and municipality, 92, 94 n., 360, 1646.

legislative power over, 103 n., 106-108.

control of parliament over municipal charters, 52, 108.

power of crown over municipal charters, 51, 108.

subject to amendment, 233.

effect of adoption of constitution on special charter, 233 n.

amendment of free-holders' charter, 63.

substitution of new, does not create new corporations, 338.

effect of change of charter on ordinance, 233, 584 n.

revocation in England, 52.

repeals and amendments and their effect, 111, 112, 233, 334, 335.

by implication, 234.

by general law, 167.

effect of repeal or dissolution, 112.

of repealing clause in revised charter, 234.

of repeal on municipal offices, 413 n.

of repeal or change on rights of creditors, 336-339.

of dissolution, 334-335.

repeal of, does not revive original incorporating act, 233 n.

surrender of, 330, 332.

power of municipality to surrender, 332.

forfeiture of corporate existence, 330, 332, 333, 1588.

no forfeiture of, for misuse, 1558.

forfeiture cannot be pleaded in action to enforce ordinance, 637 n.

revival of corporation by new charter and its effect, 340.

## CHOSSES IN ACTION,

*situs* for purposes of taxation, 1389.

## CHURCHES,

dedication of church squares or lots, 1100.

grant to city in trust for particular denomination, 989.

exemption from taxation, 1401 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-999; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CHURCHES** — *continued*.

exemption from taxation does not exempt from special assessment, 1444.  
stipulation in water franchises for free supply, 1306 n., 1326 n.

**CIGARETTES**,

ordinances regulating sale of, 598 n., 665 n.

**CIGARS**,

manufacture of, in tenement houses, 666 n.

**CIRCUS**,

when a nuisance, 684 n.  
requirement of attendance of police officer at, 720.

**CITY**,

included in term "town," 32 n.

**CITY ATTORNEY.** (See also **ATTORNEY-AT-LAW.**)

exclusive power to act for city, 824.  
powers and duties of, 389.  
to settle and compromise, 821 n.  
to order photographs, 824 n.  
liability for advising marshal to destroy building, 439 n.

**CITY ENGINEER.** (See **ENGINEER.**)

**CITY HALL.** (See also **PUBLIC BUILDINGS.**)

power to erect in public park, 1096.  
power of city to lease surplus space, 997.  
grant of site on condition subsequent, 979 n.  
liability for negligence in maintaining, 1657.  
liability for fall of ceiling of council chamber, 1641 n.

**CITY OFFICERS.** (See **OFFICE AND OFFICER.**)

**CITY PURPOSES**,

what are, 73, 1293.  
construction and ownership of railroads, 1294.  
erection of monuments, 1293 n.  
bridges over navigable rivers, 1293 n., 1655 n.  
supplying water to persons beyond city limits, 1299 n.

**CIVIL SERVICE LAWS.** (See also **OFFICE AND OFFICER.**)

constitutionality of civil service laws, 397.  
offices within operation of municipal civil service laws, 400.  
offices provided for or regulated by constitution, 398.  
eligible list, 399.  
appointments in evasion of statutory requirements, 401.  
practicability of competitive examinations; New York decisions, 402.  
confidential positions; rule in New York, 403.  
exempt positions; heads of departments, deputies, etc., 404.  
subordinate positions; laborers, 405.  
probationary appointments, 406.  
promotions, 407.  
preference of honorably discharged veterans, 408.  
nature of power to remove, 467.  
what is cause for removal, 477.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CIVIL SERVICE LAWS — *continued*.**

- what constitutes a removal under the statutes, 478.
- abolition of office or position is not a removal, 479.
- powers and duties of commissioners, 399.
- supervision of performance of official duty, 399.
- mandamus* to commissioners to perform duty, 1504 n.
- certiorari* to review classification, 488.
- liability of treasurer for money embezzled by appointee, 434 n.

**CLAIMS. (See also AUDIT; DEBT; WARRANTS.)**

- audit and allowance under free-holders' charter, 63 n.
- statute authorizing set-off by municipal debtors, 821 n.
- settlement of disputed claims, 821.
- submission of, to arbitration, 110 n., 822, 1057 n.
- statutory requirement of presentation or demand before suit, 1612, 1613, 1640 n.
- legislative restriction of remedies against municipality, 1614.
- delegation of power of council to compromise, 775 n.
- what constitutes refusal to allow claim, 1611 n.

**CLASSIFICATION,**

- general principles, under prohibition of special laws, 147.
- must be founded on necessity or propriety, 148.
- must be germane to subject matter, 149.
- statute must include all belonging to class, 150.
- by population, 151.
- provision for future members of class, 152.
- determining population for purposes of, 153.
- founded on substantive provisions of law, 154.
- as affected by provision for acceptance of act, 155.
- based on existing circumstances, 156.
- based on existing special charters, 157.
- how affected by limitations founded on time, 158.
- arbitrary and unreasonable classifications, 159.
- statutes resulting in specific designation of municipality, 160.
- geographical distinctions, 161.
- laws affecting only one municipality, 163.
- what are municipal affairs, 165.
- construction of general classification acts, 168.
- transition from one class to another, 169.
- of counties, 170.
- of townships, 171.
- of school districts, 172.
- judicial notice of grade or classification of city, 231.
- for purpose of laws relating to taxes, 173.
- of occupations for taxing purposes, 1409.
- wholesale and retail liquor dealers, 674 n.
- of positions under civil service laws, 399.
- certiorari* to review civil service classification, 488.

**CLERK. (See also OFFICE AND OFFICER; RECORDS AND DOCUMENTS.)**

- power of meeting to appoint clerk *pro tem.*, 550.
- attestation of ordinances, 607.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CLERK** — *continued*.

- certificate as evidence of publication of ordinance, 606 n.
- right to amend records *ex parte*, 553.
- amendment of records when out of office, 551 n.
- liability for default or neglect of town clerk, 1664 n.
- mandamus* to enforce delivery of corporate books and records, 559.
- removal for failure to produce papers or keep records, 472 n.

**COAL,**

- municipality cannot trade in, 1292.
- title to deposits of, under dedicated lands, 1072 n.
- power of city to operate coal-mine, 1292 n.
- devise to city to prospect for and develop coal-mine, 981 n.

**COASTING,**

- liability for permitting in street, 1626 n., 1628 n., 1665 n., 1703 n.

**COLLATERAL ATTACK,**

- corporate existence not open to, 66, 355 n., 644, 1556, 1558 n., 1562 n.

**COLLEGES,**

- devise for erection of, 988 n.
- dedication of lands for "college square," 1097 n.
- exemption of dormitories and dining halls from taxation, 1401 n.

**COMMERCE.** (See EXPORTS; IMPORTS; INTERSTATE COMMERCE.)

**COMBINATION.** (See also MONOPOLY.)

- among bidders, 781.
- between competing gas companies, ground for forfeiture of charter, 1311 n.

**COMMERCIAL TRAVELERS,**

- discrimination against non-residents, 593 n.
- power of State to exact license tax; interstate commerce, 1356.

**COMMISSIONS,**

- payment of, to broker on sale of bonds, 895.

**COMMITTEE.** (See AGENTS; CONTRACTS; COUNCIL; OFFICE AND OFFICER.)

- of city council, 244, 537.
- when required to act as a board, 522 n.
- powers of committee, 244, 522 n., 784.
- evidential force of committee's report, 562.
- powers to let out and superintend making of highway, 785 n.
- adoption of report as resolution of council, 571 n.
- statutory requirement of reference of ordinance, 576 n.
- ratification of unauthorized acts of, 798.

**COMMONS,**

- public nature of, 1122.
- extent of legislative control, 1122.
- dedication of lands for use as, 1073, 1078.
- grant of land for, on condition subsequent, 979 n.
- bequest for embellishment of, 981 n.
- construction of water pipes in, 1212 n.
- power of city to sell, 991 n., 1103 n.
- injunction against letting or sale of, 1579 n.
- ejectment by city to recover possession, 1133 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

COMPENSATION. (See DAMAGES; EMINENT DOMAIN.)

COMPETITIVE EXAMINATIONS. (See CIVIL SERVICE LAWS.)

COMPROMISE,

- delegation of power by council, 775 n.
- settlement of disputed claims, 821.
- power of city attorney to effect, 389.
- in refunding transactions, 940.

COMPTROLLER. (See OFFICE AND OFFICER.)

- financial officer of city, 831 n.
- power to refuse payment of claim, 823 n.

CONDEMNATION OF LANDS. (See EMINENT DOMAIN.)

CONDITION,

- grants upon condition subsequent, 979.

CONGRESS. (See also FEDERAL LAW.)

- power to create municipal corporations, 57.
- may authorize special assessments in District of Columbia, 1128, 1431 n.

CONSEQUENTIAL DAMAGES. (See EMINENT DOMAIN; STREETS.)

- liability for consequential damages of authorized act, 1674, 1675.
- not a "taking" of property; special remedy, 1680-1683.
- grades and change of grades in street, 1676-1678.
- liability for grades and changes of grade under constitutional provisions, 1684-1686.
- resulting from exercise of power of eminent domain, 1051.
- resulting from lawful improvement in public street, 1170 n.
- construction of tunnel approach in street, 1683.

CONSIDERATION. (See also CONTRACTS.)

- actions to recover consideration of void bonds, 961.
- return of, as condition of relief from *ultra vires* contract, 796 n.
- want or failure of, as defence to action on warrant, 857.

CONSOLIDATION,

- power of legislation to authorize, 355.
- not prevented by constitutional limitation of indebtedness, 191.

CONSTITUTIONAL LAW. (See CHARTER; FEDERAL LAW; LEGISLATURE.)

I. IN GENERAL,

- legislative control of municipal corporations, 70, 90, 92, 108, 111, 112, 1487.
- legislature cannot surrender power to change or abolish municipality, 92 n.
- power to compel performance of public duty, 121.
- delegation to judiciary of authority to incorporate municipalities, 62.
- constitutional provisions authorizing cities to frame their charters, 63.
- de facto* corporations under unconstitutional statutes, 67.
- effect of adoption of constitution on special charter, 233 n.
- validity of charter provisions inconsistent with constitutional amendments, 235 n., 584 n.
- effect of adoption of constitution on uncompleted bond issue, 943, 946 n.
- provisions requiring legislature to restrict municipal powers discretionary, 74.
- term "municipal purpose" construed, 73. (See CITY PURPOSES.)
- "any body, politic or corporate" construed, 72.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# CONSTITUTIONAL LAW — *continued*.

- legislative power to change trustees of library created by donation in trust, 982 n.
- compulsory contracts; Detroit Park case, 119, 120.
- mandatory legislation as to hours of labor, wages, and union labor on municipal works, 118.
- contract stipulations as to hours of labor, wages and union labor, 808.
- incorporating statutes requiring vote of inhabitants valid, 69.
- prohibition of special legislation, see SPECIAL ACTS.
- special acts creating municipalities, 70-75, 140-172.
- prohibition of special acts conferring corporate powers, 71.
- limitations of indebtedness, see LIMITATION OF INDEBTEDNESS.
- prohibition of special laws laying out highways not applicable to streets, 1121 n.
- requirement that object of statute be expressed in title, 75.
- provision as to title of acts not applicable to ordinances, 72, 577.
- police powers limited by constitutional provisions, 302.
- Fifth and Fourteenth Amendments to Federal Constitution, 1013.
- provisions against taking property without compensation, 1012.
- restrictions on power of eminent domain, 1012-1018.
- constitutionality of municipal pensions, 430.
- constitutionality of civil service laws, 397.
- applicability of civil service laws to offices provided for by constitution, 398.
- power to regulate rates of public service corporations, 1324, 1325.
- statutory liens of sub-contractors, material men, etc., 831.
- consequential damages; liability for grades and changes of grades, 1684-1686.
- statutes imposing liability for property destroyed by mobs, 1636, 1637.
- estoppel to plead unconstitutionality of statute; Ohio cases, 800.
- II. VESTED RIGHTS; CONTRACTS PROTECTED AGAINST IMPAIRMENT,
  - when legislative act becomes a contract; Dartmouth College case, 91, 111.
  - municipal charter not a contract, 92, 94 n., 360, 1646.
  - city has no vested right to maintain or operate water or light plant, 1306.
  - grants of street franchises, 113 n., 584 n., 1210 n., 1214, 1220 n., 1242, 1306.
  - grant of exclusive franchise or right, 112 n., 1308.
  - stipulated rate for public service, 1326.
  - right of public service corporation to reasonable rate, 1327.
  - statutory exemption from taxation, 1401.
  - power of taxation for payment of bonds, 113 n., 959 n., 1508 n., 1512-1515.
  - precedence in order of payment of warrants, 859.
  - statute making warrants receivable for taxes, 863.
  - statutes prescribing rate of interest on warrants, 867.
- III. POWER OF TAXATION AND ASSESSMENT,
  - right to notice and hearing, 1365.
  - power of State to tax instrumentalities of Federal Government, 1355.
  - validity of "wheel tax," 1164 n.
  - restrictions on taxation; Arkansas, 1366.
    - Ohio, 1367.
    - Kansas, 1368.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CONSTITUTIONAL LAW — *continued*.**

restrictions on taxation; Louisiana, 1369.

Mississippi; equal and uniform taxation, 1370.

special assessments a valid exercise of power of taxation, 1431.

validity of special assessment in proportion to frontage, 1436-1439.

**CONSTRUCTION.**

of municipal powers, rule of, 234, 237, 238, 239, 241.

of repealing statutes, 167.

of ordinances, rule of, 646. (See **ORDINANCES**.)

contemporaneous construction of ordinances, 646 n.

practical construction of franchise, 1233 n.

**CONTAGIOUS DISEASE. (See **HEALTH**.)**

person sick with, not a nuisance, 684 n.

destruction of infected bedding, etc., 684 n.

liability for enforcement of quarantine regulation, 1661.

**CONTEMPT. (See **ATTACHMENT FOR CONTEMPT**; **MANDAMUS**.)**

power to punish for, 469 n., 511 n.

municipal corporation cannot be guilty of, 1571 n.

for disobedience of writ of injunction, 1571 n.

commitment for refusal to levy tax in obedience to *mandamus*, 1519 n.

**CONTRACTOR. (See **CONTRACTS**; **LOCAL IMPROVEMENTS**; **STREETS**; **SPECIAL ASSESSMENTS**.)**

rights on repeal of ordinance directing street improvement, 584 n.

liens of, against municipal buildings, 993.

suit to collect assessment not subject to set-off, 1414 n., 1465.

subrogated to lien of city against adjoining property, 1421 n.

employment by State does not justify trespass, 1674 n.

indictment for neglect of duty to repair roads, 1599 n.

liability to abutter for excavating street without authority, 1651, n.

corporate liability for acts of contractors, 1655 n., 1720-1724.

liability when contract let to lowest bidder, 1720 n.

liability of sewer contractor for damages to gas pipe, 1243 n.

**CONTRACTS. (See also **ACTIONS**; **LOWEST BIDDER**; **MANDAMUS**; **MUNICIPAL BONDS**; **WARRANTS**.)**

subject treated in Chapter XVIII, §§ 770-832.

subject outlined, 770.

for contracts on specific subjects see also appropriate titles.

**I. POWER TO CONTRACT,**

legislative power over, 113 *et seq.*, 1487 n.

State's plenary power not restricted by municipal contracts, 336.

compulsory legislation as to, 118, 119, 120, 948 n., 1487 n.

constitutional provisions in respect to, 74.

extent of power to make, 771, 777.

how power to contract conferred, 771.

implied or incidental power, 771, 777.

scope of power to contract, 782.

limited power of *quasi* corporation, 34 n., 36 n.

limited power of New England towns, 42.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### CONTRACTS — *continued*.

persons contracting charged with notice of extent of corporate powers, 777.  
 limitation of power to incur debt, see **LIMITATION OF INDEBTEDNESS**.  
 assent and ratification, 798, 799.  
 ratification of unauthorized contracts, 792 n., 797-799.  
 power to purchase paving materials, 819.  
     to borrow money, 278-293, 777 n., 872, 878.  
     to agree to pay additional compensation, 820 n.  
     of city to contract to do act beyond its limits, 777 n.  
 stipulations as to hours of labor, wages and union labor, 808.  
 stipulations by contractor to maintain pavements in repair, 829.  
 sale of stock in private corporation owned by city, 818.  
 to contribute to cost of public improvement, 792.  
 in respect of drainage beyond city limits, 776.  
 power to contract illustrated, 816-819.  
 statutory requirement of previous appropriation, 790.  
 specialty contracts, 789.  
 of suretyship, 814.  
 with attorneys at law, 541 n., 824.  
 power to contract for local improvements, 825, 1465.  
 for local improvements; consent of property owners, 826.  
 power to contract to enforce ordinances, 704.  
 modification of contracts, 819, 820.  
 liability for interest on claims, 867.  
 corporate control by stipulation for supervision, 828.  
 estoppel to plead unconstitutionality of statute; Ohio cases, 800.

### II. **MODE OF EXECUTING POWER; AGENTS,**

mode of exercising power, 783.  
 must be in accordance with charter, 777, 783.  
 mandatory and directory provisions, 783.  
 resolution as memorandum in writing under statute of frauds, 783.  
 power to contract by parol, 783 n.  
 necessity of seal, 363, 784, 789.  
 by ordinance, resolution or vote, 424 n., 572, 784, 817, 944 n.  
 mode of execution by agents, 785-787.  
 powers of public agents and officers to contract, 244, 775, 784, 785, 789.  
 implied and incidental powers, 777.  
 must be made with proper body or person, 788.  
 action must be corporate, not individual, 788.  
 powers of committee; how exercised, 522 n., 785 n., 786 n.  
 of aldermen acting individually and not as board invalid, 788, 793 n.

### III. **IMPLIED CONTRACTS,**

implied contracts, when and how deducible, 363, 792 n., 793-795, 1615.  
 actions to recover consideration of void bonds, 961.  
 implied from statute making warrants receivable for taxes and debts, 863.  
 implied *assumpsit*, 1615.  
 implied liability of city for money paid by mistake, 794.  
 to pay for support of paupers, 793 n.  
 no liability to mere volunteer, 793.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# CONTRACTS — *continued*.

## IV. LETTING BY COMPETITION; LOWEST BIDDER,

- letting to lowest bidder, 801.
- re-letting work on abandonment of contract, 801.
- extra work, 801.
- letting when competition impossible or unavailing, 802.
- letting without advertisement in emergency, 802.
- practical monopolies, 802, 804.
- scientific knowledge or professional skill, 802.
- selection upon tests, 802.
- patented inventions, 803, 805.
- proprietary articles, 804.
- exclusive right, 806.
- necessity for and sufficiency of specifications, 807.
- bid must conform to specifications, 807.
- alternative bids, 807 n.
- material changes from specifications, 807 n.
- necessity and sufficiency of advertisement, 809.
- opening bids, 810.
- awarding the contract, 810.
- when contract complete, 810.
- forfeiture of bidder's deposit, 810.
- acceptance and rejection of bids, 811.
- discretion to determine responsibility of bidder, etc., 439 n.
- waiver of fraud in awarding contract to lowest bidder, 778.
- stipulations as to hours of labor, wages, and union labor, 808.
- mandamus* to compel award to lowest bidder, 1483 n., 1489 n.

## V. UNAUTHORIZED CONTRACTS; ULTRA VIRES,

- contracts in excess of corporate power, 791.
- illegal provision for payment in bonds, 791.
- contracts *ultra vires* are invalid, 792.
- general liability on contracts *ultra vires*, 1610.
- contracts *ultra vires*; *assumpsit*, 796.
- return of consideration as condition of relief from *ultra vires* contract, 796 n.
- ultra vires* as a defense, 1611.
- suit by attorney general to restrain unauthorized letting of contract, 1577.
- taxpayer's action to restrain illegal letting, 1585 n.
- injunction against letting contract for patented articles, 1573 n.
- liability of officers for making *ultra vires* contract, 443.

## VI. PUBLIC POLICY; PROHIBITED ACTS,

- involving surrender of legislative discretion invalid, 792.
- with municipal officers; fiduciary relations, 772.
- when contractor disqualified to hold municipal office, 772 n.
- invalidity resulting from pecuniary interest of municipal officer, 773.
- nature of pecuniary interest which disqualifies officer, 773.
- co-partnership of officer as disqualifying pecuniary interest, 773.
- ownership of stock in contracting corporation as pecuniary interest, 773.
- agreement by city not to exercise public franchise, 771 n.
- lobbying contracts, 774.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# CONTRACTS — *continued*.

contracts to influence deliberations and determinations of public boards and officers, 774.

to pay premium to officer for performing duty, 792.

combinations among bidders, 781.

## VII. FRAUD AND MISTAKE,

fraud in making, 778.

taking advantage of ignorance or carelessness of municipal officers, 779.

misrepresentations by municipal officers, 780, 785.

audit and part payment of claim as estoppel, 778.

failure of municipality to disaffirm contract for fraud, 778.

## VIII. FOR WATER AND LIGHT. See also GAS; LIGHTING; PUBLIC UTILITIES; WATER AND WATERWORKS.

power of city to contract for water and light, 1302.

private or governmental capacity of city in furnishing or contracting for water or light, 1303.

power to contract for construction of waterworks, 771 n.

when power to give exclusive right incidental to contract for water or light, 1308.

agreements by cities to satisfy or pay taxes of light or water company, 1310.

obligation of water company to furnish reasonably pure supply under contract, 1316.

term or duration of contract for water or light, 1307.

pledge of works and revenue of gas works to secure lenders, 817.

validity of lighting contract, 816.

liability for water and light furnished; implied contracts, 1338.

*ultra vires*; executed and executory provisions, 1339.

## IX. ASSIGNMENT,

assignability of executory contract, 832, 1610 n.

prohibition of assignment, sub-letting, etc., 832.

assignment of part of claim under, 832.

assignment of money to become due under, 832.

## X. PERFORMANCE,

performance to satisfaction of city officials, engineer, etc., 813, 823, 828.

performance; refusal of engineer to give certificate, 823.

liability for extra work, 813.

local improvements; acceptance of work, 1465.

local improvements; time of completion; Missouri, 1467.

when performance made impossible by act of law, 113 n.

*mandamus* to compel performance, 1486 n.

## XI. CONTRACTORS' BONDS; STATUTORY LIENS.

bonds of contractors, 830.

statutory and common law obligations, 830.

suits by material men and mechanics on bonds, 830.

claims of sub-contractors, laborers and material men; statutory liens, 831.

liability of officers for failure to exact contractor's bond, 441 n.

## XII. RIGHTS AND LIABILITIES; ACTIONS,

impairment of obligation of, see CONSTITUTIONAL LAW.

statutes prescribing interest rate on warrants, 867.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CONTRACTS — continued.**

- for precedence in order of payment of warrants, 859.
- repeal of ordinances granting franchises, 113 n., 584 n.
- implied contract in grant of franchise to use streets for lighting purposes, 1214.
- rights under, may be taken by power of eminent domain, 1016 n.
- taxing power to pay bonds cannot be repealed, 959 n.
- constitutional rights of creditors and others, 106, 110, 112, 113, 114, 131, 817, 1508 n., 1512-1515.
- rights under, not affected by repeal of charter, 112, 539, 584, 797 n.
- not affected by adoption of new constitution, 113 n.
- effect of division or change of boundaries, 355 n., 360.
- valid contracts will be enforced, 15 n.
- authorized contracts; rights and liabilities under, 815.
- municipalities subject to same liability as individuals, 815.
- no liability for services of volunteer, 793.
- liability of city when payable from assessment only, 827, 860, 893.
- damages for breach of, 771 n.
- liability for failure to exact contractor's bond, 439 n.
- contribution by individuals to cost of improvement, 792.
- notice of claim and demand before suit, 1611-1614.
- legislative restriction of remedies against municipality, 1614.
- settlement of disputed claims, 821.
- power to arbitrate claims, 822.
- limitation of actions on municipal contracts, 1188.
- personal liability of agent, 443, 785-787.

**CONTRIBUTION,**

- one municipality may recover from another, 1615.

**CONTRIBUTORY NEGLIGENCE. (See NEGLIGENCE; STREETS.)**

- of person injured by defective street, 1697, 1698.

**CONVENTION HALL,**

- a public utility within meaning of Constitution, 1290 n.

**CONVEYANCES. (See DEED; PROPERTY; SALE.)**

- mode of executing and proof of, 994, 998, 999.

**CONVICT LABOR,**

- contract for assignable, 832 n.

**CORNER LOT,**

- special assessments against, for sewers, 1458 n.

**CORNICES,**

- maintenance of, projecting over public streets, 1182, 1705.

**CORPORATE BOUNDARIES. (See BOUNDARIES.)**

**CORPORATE COURTS. (See MUNICIPAL COURTS.)**

**CORPORATE EXISTENCE. (See CHARTER; CONSTITUTIONAL LAW; DISSOLUTION OF CORPORATION; FORFEITURE; LEGISLATURE.)**

- collateral attack upon, 66, 355 n., 644, 1556, 1558 n., 1562 n.
- doctrine of forfeiture not applicable, 333, 1558.

**CORPORATE MEETINGS. (See MEETINGS.)**

**CORPORATE NAME. (See NAME.)**

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CORPORATE PROPERTY.** (See **PROPERTY.**)

**CORPORATE PURPOSE.** (See **CITY PURPOSES.**)

**CORPORATE RECORDS.** (See **RECORDS.**)

**CORPORATE SEAL.** (See **SEAL.**)

**CORPORATIONS.** (See also **CHARTER**; **COUNTY**; **MUNICIPAL CORPORATION**;  
**QUASI CORPORATIONS.**)

defined, 30.

public and private defined, 90-92, 94.

public and municipal distinguished, 34.

difference between public and private illustrated, 94.

membership in, how constituted, 15 n., 60.

term does not include States, 43.

in England, creation and different kinds of, 50.

creation by special charter, 50.

created in United States by statute, 55.

power of Congress to create, 57.

creation by general incorporation acts, 61.

creation by implication, 50, 64, 65.

may exist by prescription in United States, 55.

intention to create must clearly appear, 64, 65.

no precise form of words requisite, 64, 65.

intent of legislature can be shown constructively, 65.

certain powers absolutely essential, 64.

Territorial corporation not affected by Statehood, 57 n.

"any body politic or corporate" includes public corporations, 72.

distinction between municipal and *quasi* corporations, 35, 1638-1646, 1687,  
1714.

*quasi* distinguished from private and municipal, 37.

privileges and franchises as a contract, 91.

dedication of lands by, 1078.

within statute conferring lien for material, etc., 831.

taxation of, 1389.

taxation of stock; *situs*, 1389 n.

stamp tax on transfers of stock, 1389 n.

**CORPORATION COUNSEL.** (See **ATTORNEY AT LAW**; **CITY ATTORNEY.**)

**CORRECTIONAL INSTITUTIONS,**

liability to prisoners for injuries caused by unsanitary and defective prisons,  
etc., 1656.

**COSTS,**

of prosecution to enforce penalty, 647 n.

power to impose by ordinance as part of penalty, 626.

to defendant on prosecution for violation of ordinance, 638.

in proceedings to open streets, 1039 n.

statutory prohibition of recovery of costs against city, 1379 n., 1421 n.

in *quo warranto* proceedings, 1567 n.

**COTTON MERCHANTS,**

ordinance requiring record of sales of cotton, 589 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**COUNCIL.** (See also **MEETINGS**; **QUORUM**.)

**I. POWERS,**

- constitution of, in England, 10, 54 n.
- how elected, 371, 511.
- re-election of expelled member of council, 471.
- is representative body, 54, 59, 511.
- represents the corporation at large, 464, 501, 511, 1546 n.
- term construed to mean board of mayor and aldermen, 515 n.
- powers depend on grant by charter or statute, 59, 237 n.
- when concurrence of mayor essential, 575, 827 n.
- discretionary powers not ordinarily subject to judicial control, 242.
- corporate authority must be exercised by proper body, 516.
- must act at meeting lawfully convened, 501.
- individual consent of members insufficient, 501.
- enactment of ordinances, see **ORDINANCES**.
- incidental power to adopt ordinances, 585.
- passage of ordinances over veto, 578.
- acts of, may be impeached for fraud, 580, 581.
- motives for adopting ordinances not subject to judicial inquiry, 580, 581.
- personal liability for adoption of ordinances, 583.
- delegation of powers of, 244, 1383.
- acts of *de facto* councils and officers, 518.
- appointment to office by *de facto* council or board, 519.
- legislative powers cannot be surrendered or bargained away, 245.
- elections or appointments to office by, 385 n., 392 n., 529, 537 n.
- appointment of officers by resolution, 392.
- power to decide election contests, 377-381.
- powers as election canvassers, 382 n.
- power to remove officers, 464.
- power to remove mayor, 468 n.
- construction of power to expel member, 470.
- right to rescind previous acts, 539.
- committees of council, 537.
- power to punish for contempt, 469 n.
- can contract by ordinance, resolution or order, 572, 1131 n.
- proper body to give consent to street railroad, 1227.

**II. MEETINGS; QUORUM; VOTES,**

- constitution of meetings of, 511, 515, 1533.
- mode of proceeding when convened, 536.
- stated and special meetings, 532.
- constructive notice of stated meetings, 532.
- notice of special meeting, how given and waived, 533, 534.
- presumption of regularity of meeting, 538.
- mayor's presence and functions at meetings, 502, 512, 1533.
- status* of mayor as member of, 513, 514.
- right of mayor to preside over meetings, 511, 514.
- what constitutes a quorum, 521-531.
- acts by less than quorum void, 541.
- when concurrence of entire board necessary, 522 n.
- effect of refusal to vote, 523, 527.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# COUNCIL — *continued*.

- effect of casting blank ballot, 528.
- withdrawal of members leaving no quorum, 522, 523.
- charter provisions requiring majority of whole body, 530.
- charter requirement of vote by ayes and nays, 540.
- adjournment of meeting, 506, 535.
- pecuniary interest as affecting right to vote, 521 n., 541, 773.
- application of majority principle to joint assemblies, 531.
- quorum of joint assembly, 531 n.
- effect of refusal of body to enter joint assembly, 531 n.
- concurrence of dual boards, 536.

## III. RECORDS,

- power to appoint clerk *pro tem.*, 550.
- signature of chairman to minutes, 550 n.
- journal or minutes proper evidence of proceedings, 557 n., 1640 n.
- amendment of record after approval by council, 554.
  - when rights of third parties have intervened, 554.
- correction of record *nunc pro tunc*, 540.
- amendment by new board of record of acts of predecessors, 554.
- right of clerk to amend records *ex parte*, 553.
- amendment of record by clerk out of office, 551 n.
- parol evidence of resolution, 607 n.
- proof by parol of facts omitted from record, 557, 558.
- parol evidence to explain, vary or contradict record, 555, 556.

## IV. MANDAMUS; QUO WARRANTO; CERTIORARI,

- mandamus* to compel attendance at meetings, 521 n.
  - to compel aldermen to perform duty, 1484 n.
  - to admit duly elected councilman, 1500.
  - to compel canvass of votes, 1497.
  - to mayor to perform duties as presiding officer, 1487 n.
- direction of *mandamus* to, 1533, 1534, 1539 n.
- judgment in *mandamus* against, 1546.
- mandamus* proceeding not abated by change of membership, 1546.
- quo warranto* to test title of members, 1552.
  - to try right to preside or vote, 1552.
- certiorari* to review proceedings of, 1591-1593.
- injunction where two conflicting bodies act concurrently, 517..

## COUNTER-CLAIM,

- special assessments not usually subject to, 1414 n., 1465.

## COUNTY. (See ACTION AND LIABILITY; CORPORATIONS; QUASI CORPORATIONS; TORTS; WARRANTS.)

### I. CORPORATE CHARACTER; POWERS.

- mere agency of government, 104 n.
- created for political purposes, 35, 90 n.
- corporate character of, 35.
- is a *quasi* corporation, 977 n.
- public, but not municipal corporation, 34.
- distinguished from municipal corporations proper, 34, 35, 37, 109.
- extent of legislative power over, 70 n., 92, 103-105.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## COUNTY — *continued*.

- limitations on legislative power, 111 n.
- submission to vote of question of annexing territory, 69 n.
- how far contracts for benefit of, protected by constitution, 96.
- proof of contract by parol, 1640 n.
- liability on implied contract, 1615 n., 1640.
- power to provide water supply, 1296 n.
- classification of, under prohibition of special laws, 170.
- power to issue commercial paper, 283 n., 284, 291 n., 872, 881.
- incidental power to issue negotiable bonds and coupons, 972 n.
- power to aid railroad companies, 114, 313-324, 878, 881, 1528, 1584.
- compulsory issue of bonds to pay indebtedness, 121 n.
- compulsory contribution to expense of city police force, 104.
- creation of debt to establish a public park, 1034 n.
- legislation giving effect to moral obligation of one county to reimburse another, 123 n.
- power to release lien of taxes, 1385 n.

## II. COUNTY SEAT,

- validity of special act locating county seat, 48.
- power to change county seat, 300 n.
- reverter of dedicated lands on removal of county seat, 1102 n., 1106 n.
- taxation to compensate property owners for removal of county seat, 1351 n.
- contested county seat elections, jurisdiction in equity, 379 n., 382 n.
- mandamus* as to location of county seat, 1492.
- injunction against erecting court-house elsewhere than at county seat, 1584 n.

## III. PROPERTY; PUBLIC BUILDINGS,

- may take and hold title to real property, 977 n.
- grants to people of, or for use of, 874, 899.
- proceedings to apportion property between counties; *certiorari*, 1592 n.
- city and county as tenants in common, 976 n.
- grants for court-house, 981 n., 989, 991 n., 1079 n.
- may be compelled to build court-house, 122 n., 1527 n.
- city may be authorized to build court-house for, 122 n.
- rights in public squares of town, 1097, 1099.
- injunction against lease of part of county square, 1132 n.
- power to erect public buildings in public square, 1097.
- taxation of public property of, by city, 1396.
- special assessments against property of, 1446 n.
- public buildings not subject to mechanics' liens, 993.
- liability as property owner for negligence, 1673.
  - for unsafe condition of county buildings, 1640, 1657 n.
  - as owner of insane asylum, 1673.
  - for escape from defective jail, 1640 n.
  - for jail as a nuisance, 35 n., 1640 n.

## IV. HIGHWAYS AND BRIDGES,

- duty as respects highways and bridges, 1157 n., 1493, 1687-1690.
- powers over streets and highways in city limits, 1138-1141.
- common-law obligation to repair highways and bridges, 1687, 1688.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-909; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

COUNTY — *continued*.

*mandamus* to compel repair of bridge, 1689 n.  
liability for consequential damages from erection of bridge, 1686 n.  
power to aid construction of toll bridge, 1140 n.  
liability for defective highways, 1638 n., 1687-1689.  
for defective bridges, 1140 n., 1638 n., 1688 n.

V. CLAIMS; LIABILITIES; ACTIONS,

action in name of county to protect property or rights, 1132 n.  
civil liability of, 1638, 1639 n., 1645, 1687-1690, 1708 n.  
liability for interest on claims, 867.  
warrants or orders, 850, 856 *et seq.*  
*mandamus* to issue or pay warrants, 1506 n.  
enforcement of warrants in Federal Court, 1525.  
suit on claim presented, but not acted on, 1640 n.  
*mandamus* to compel issue of bonds, 1482, 1487 n.  
*mandamus* and suits by creditors, 1506, 1507 n.  
service of lien notice on, 831 n.  
distinction between *quasi* and municipal corporations as to implied liability, 1645, 1646.  
implied liability *ex delicto*, 1638, 1668.  
limited liability in respect to torts, 1640. (See TORTS.)  
liability for maintaining defective ferry-boat, 1688 n.  
for neglect of official, 1640 n.  
for neglect of county commissioners, 35 n.

COUPONS. (See MUNICIPAL BONDS.)

on municipal bonds, 894.  
are negotiable instruments, 871.  
may be owned separately from bond, 871.  
interest on past due coupons, 894.  
where lost or stolen, 960.  
payment of taxes in coupons, etc., 1414 n., 1590.  
*mandamus* to compel receipt of coupons in payment of taxes, 1487 n., 1506 n.  
action on, 894.  
limitation of action on, 894.

COURT-HOUSE. (See COUNTY; DEDICATION; PUBLIC BUILDINGS.)

grants of sites for, on condition subsequent, 979 n.  
dedication of "court-house square," 1097 n.  
power of county to authorize building on court-house square, 997 n.  
power to erect in public park, 1096.  
not taxable by city, 1396 n.  
special assessments against, 1444 n., 1446 n.  
power of county to mortgage, 996 n.

COURTS. (See CERTIORARI; MUNICIPAL COURTS.)

jurisdiction in election contests, 377-382.  
delegation to judiciary of power to incorporate municipalities, 62.  
of authority to fix boundaries, 352 n., 353 n.  
of legislative and executive authority, 95.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

COURTS — *continued.*

- power to exercise executive or administrative functions, 95.
- execution of trust on dissolution of municipality, 107.
- power of judiciary to fix or prescribe rates for public utility, 1329.
- relation of Federal and State courts in respect to *mandamus*, 1519, 1545.
- judicial notice of municipal charter, 231.
- judicial notice of ordinances, 639, 648 n.
- validity of ordinances; how far subject to judicial consideration, 580-583, 592, 636, 649.
- validity of ordinances; province of court and jury, 599.

COVENANTS. (See DEED.)

- general warranty in deed by city, 998.
- liability of municipality under covenants of warranty, 998 n.
- by lessee to maintain municipal waterworks in repair, 997 n.

COW STABLES,

- ordinances regulating, 598 n.

CREDITORS. (See AUDIT; CLAIM; CONTRACTS; DEBT; MUNICIPAL BONDS; WARRANTS.)

- effect of dissolution of municipality, 106, 112, 330 n., 334, 336, 338, 339, 357.
- effect of repeal of municipal charter, 112, 336, 1508-1512.
- rights and remedies on warrants, 854.
- surrender of evidences of indebtedness for new obligations, 114 n., 1308.
- misapplication of special fund, 827, 854 n.
- rights in sinking fund, 113.
- contract rights protected by constitution, 106, 111-114, 1508, 1512-1515.
- right to statutory provision existing when debt created, 113, 114, 1512.
- when judgment necessary before *mandamus*, 1507, 1511.
- whether execution or *mandamus* the proper remedy, 992.
- mandamus* to enforce duties towards, 827, 992, 1506 *et seq.*
- enforcing municipal duty to levy special tax, 1510.
- entitled to full exercise of power of taxation, 1515.
- mandamus* to compel levy of taxes, 1513.
- in Federal Courts, 1514-1523.
- remedy against New England towns, 992, 1506 n., 1639.

CREMATORIES,

- power of municipality to construct, 678 n.

CRIMINAL OFFENCES. (See INDICTMENT; JURY; MUNICIPAL COURTS; PENALTIES.)

- ordinances relating to, 614, 630-632.
- concurrent prohibition by statute and ordinances, 630-633.
- prosecutions for violations of ordinances, 749.
- nature of proceeding to enforce ordinances, civil or criminal, 637, 638.
- jurisdiction of corporation courts over, 744, 749.
- summary jurisdiction in respect to, 751-756.
- employment of counsel to prosecute, 824 n.
- rewards for apprehension of offenders, 299.
- rescue of offenders, 725.

CURATIVE ACTS,

- legislative power to enact, 129.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**CURATIVE ACTS** — *continued*.

- power of legislature to ratify or authorize ratification, 799 n.
- legalizing proceedings of particular county a local law, 174 n.
- validation of incorporation, 68.
  - previous corporate acts and by-laws, 127-129, 1145 n., 1160 n.
  - defective execution of powers, 129, 948.
  - illegal ordinances, 645.
  - title to office, 375 n.
  - acquisition of real property, 990 n.
  - defective condemnation proceedings, 1030 n.
  - defective plats, 1071 n.
  - defective petition for improvement, 1454, n.
  - vacation of public park, 1160 n.
  - municipal bonds, 948, 1372 n.
  - railroad aid subscriptions and bonds, 948.
  - illegal warrants, 851 n.
  - tax levy, 1400 n.
  - void special assessments, 127, 128, 1400 n., 1413 n., 1469.
  - re-assessments, 1469.
- requiring repayment of taxes illegally collected, 1623 n.
- authorising assessment after improvement made, 1122 n.
- ratification of acts of previous meeting not legally called, 509 n.
- ratification by subsequent ordinance of unauthorized change of grade, 1152 n.
- statutes declaring ordinances sufficiently approved and signed by mayor, 578 n.
- curative effect of re-enactment and re-publication of ordinance, 603 n.
- ratification of contract invalid for delegation of powers, 244 n.
- waiver of undisclosed fraud, 778 n.

**DAIRIES,**

- ordinances regulating, 598 n.
- prohibiting use of preservatives in dairy products, 666 n.

**DAM,**

- liability for defective, 1669, 1670.
- liability for unauthorized construction, 1650.

**DAMAGES.** (See **EMINENT DOMAIN**; **NEGLIGENCE**; **STREETS**; **TORTS.**)

- property taken for public use, see **EMINENT DOMAIN**.
- with respect to use of streets, see **ABUTTER**; **STREETS**.
- injuries from unsafe streets, see **STREETS**.
- change of grade, see **STREETS**.
- in action by officer unlawfully removed, 429.
- for inadequate supply of water by contracting company, 1338.
- recovery of, by abutter for obstruction in street, 1131.
- liability for exemplary damages, 1651 n., 1712 n.
- exemplary, recovery of, against ministerial officer, 441 n.
- compensation for property damaged under constitutional provisions, 1015-1018.
- liability for consequential damages of authorized act, 1674, 1675.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DAMAGES** — *continued*.

- consequential damages not a "taking" of property; special remedy, 1680-1683.
- grades and change of grades in street, 1676-1678.
- for grades and changes of grade under constitutional provisions, 1684-1686.
- construction of tunnel approach in street, 1683.

**DANCES,**

- open air, not nuisances *per se*, 690 n.

**DARTMOUTH COLLEGE CASE**, 91, 111.

**DEAD ANIMALS,**

- removal and disposal of, 679.

**DEATH.** (See also NEGLIGENCE; TORTS.)

- liability for death of child fallin ginto reservoir or conduit, 1670 n., 1671 n.
- notice of claim and demand before suit, 1613.

**DEBTS.** (See BORROWING MONEY; LIMITATION OF INDEBTEDNESS; MUNICIPAL BONDS; WARRANTS.)

**I. CREATION; CONTRACTING,**

- power of legislature to compel municipality to create, 115, 122, 948, 1487 n.
- municipality may be required to issue bonds to pay, 121 n.
- when debt is incurred in discharge of a public duty, 121.
- power to compel payment of claims not legally binding, 123-125, 948, 1188 n.
- nature of moral obligations which may be recognized, 126.
- compelling repayment of monies advanced without authority, 125.
- incidental power to give acknowledgment of debt, 873.
- limitation of power to contract for supplies, 297.
- negotiable bonds, 314, 315. (See also MUNICIPAL BONDS.)
- municipal subscriptions and bonds in aid of railroads, 313-318, 319.
- special charter limitations construed, 295.
- improvement bonds payable from assessment only, 893.
- payment of invalid bonds, 124.
- distinction between contracting a debt and borrowing money stated, 279 n.
- license tax not a penalty but a debt, 669 n.
- unpaid warrant not novation of original debt, 854 n.
- limitation on taxing power does not limit power to contract debts, 293 n.
- as to distinction between taxes and debts, 1414, 1416 n.
- interest on corporate indebtedness, 867.
- illegal creation of, may be restrained, 1581.
- suits by taxpayers to restrain illegal and fraudulent acts, 1579-1587.
- situs* for purposes of taxation, 1380.

**II. CHANGE IN MUNICIPAL ORGANIZATION; DISSOLUTION,**

- municipality cannot extinguish its debts by organizing under new charter, 336 n.
- rights of creditors under new charter, 338.
- change from town to city organization does not extinguish indebtedness, 233 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DEBTS — continued.**

- rights of creditors on division of municipality, 358.
- apportionment of, on division of municipalities, 106, 358, 360.
- mandamus* to compel apportionment of, on division of towns, 1487 n.
- rights of creditors on dissolution, 335, 336, 338, 339, 357, 360.

**III. REMEDIES OF CREDITOR; MANDAMUS,**

- power of taxation as part of contract, 113 n.
- power to levy tax implied from express power to incur, 1377, 1380.
- enforcing power of taxation which existed when debt created, 1512.
- incurred by *de facto* corporations, enforcement of, 67.
- mandamus* to compel audit of claims, 1506 n.
- remedy of bondholder by *mandamus*, not in equity, 1513, 1570 n.
- mandamus* to enforce payment of corporate debts, 1506.
  - to compel officers to meet to levy tax, 1516.
  - to levy tax to pay debt, 1506, 1910.
- when creditor required to recover judgment before applying for writ, 1507.
- when creditor may enforce levy of tax without prior judgment, 1511.
- jurisdiction of Federal courts in *mandamus*; prior judgment required, 1518.
- enforcement of warrants by *mandamus* in Federal court, 1525.
- mandamus*; special limitations of taxing power, 1508.
  - effect of abrogation of statute authorizing issue, 1509.
- liability of officer for failure to perform duty enjoined by *mandamus*, 1517.

**DECEIT. (See also FRAUD.)**

- misrepresentations by municipal officers, 780.

**DECLARATIONS. (See also EVIDENCE.)**

- admissibility of declarations of officers, 435.

**DEDICATION. (See EMINENT DOMAIN; PARKS; PUBLIC SQUARES; STREETS.)**

- subject treated Chapter XXIII, §§ 1070-1170.
- defined, 1070 n.
- founded in public convenience, 1070.
- dedication and grant distinguished, 1070 n.
- doctrine of estoppel applicable to, 1091, 1092 n.
- city not estopped to claim, because land included in proceeding to condemn, 1078 n.
- party taking under partition estopped to deny dedication, 1074.

**I. STATUTORY,**

- statutory and common-law dedication, 1071.
- vesting of fee in municipality, 1071.
- reservation of fee, 1072.
- necessity of assent or acceptance, 1071.
- character of estate vested in municipality, 1072.
- title to minerals, 1072.

**II. AT COMMON LAW; INTENT; USER,**

- essential features, 1074.
- rationale and requisites, 1073.
- grantee of use or easement, 1074.
- specific donee not required, 1086.
- where municipality is not created when dedication is made, 1087 n.
- to use of specified persons not dedication to the public, 1076 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DEDICATION** — *continued.*

- may be by parol, 1074.
- length of possession necessary to constitute, 1074.
- burden of proof, 1093.
- province of court and jury, 1093.
- leading case of *Cincinnati v. White*, stated, 1073, 1074.
- extent of, as respects donor, 1076, 1149, 1248 n.
- not essential that legal title should pass from owner, 1074.
- estate or interest of public, 1076.
- legal title under, 1074.
- title to soil, 1076.
- where proprietor retains fee, and effect thereof, 1076.
- of ordinary highway gives easement of passage only, 1072 n.
- question how much land is included is one of fact, 1076 n.
- must be made by owner, 1078.
- equitable owner may dedicate, 1071 n.
- by administrator or executor, 1078 n.
- remainder-man; agent; married woman, 1078 n.
- by government of the United States, 1078.
- by state, 1078.
- by city or other municipal or public corporation, 1078.
- by corporation of lands owned by it, 1078.
- of railroad lands for highway purposes, 1078 n.
- intent to dedicate essential, 1079.
- evidence of intent to dedicate, 1079.
- may be established by parol evidence, 1079.
- user as affecting question of intent, 1081.
- user for definite period not necessary to establish intent, 1074, 1081.
- intent presumed from user for prescriptive period, 1080.
- not implied from revocable license, 1081.
- may be upon condition, 1075.
- validity of condition, 1075.
- waiver of condition, 1075.
- where dedication is on condition, 1091, 1092, 1095 n.
- in præsenti* to be carried into effect *in futuro*, 1089.
- proprietor may make limited dedication, 1072.
- duration of dedication; limited period, 1075 n.
- for limited or specified purpose and subject to burdens, 1075.
- conveyance for a particular use, 1091, 1092, 1102, 1106 n.
- of easement, 1072, 1076.
- of public footways, 1075 n.
- for widening street, 1082.
- of streets, etc., under tide-water, 1077 n.
- use of dedicated land for wharves, 261, 271, 1077, 1101 n.
- land dedicated to public landing taken by railroad, 1019 n.
- ferry right of riparian donor on dedicated front, 1098, n.
- alluvion and accretion, 1077.
- parks and public squares, 1094, 1095.
- park uses, 1096.
- use of public squares, 1097.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# DEDICATION — *continued*.

- enclosure and ornamentation of public squares, 1098.
- rights of abutters on public square, 1098 n.
- of lands for purposes of recreation and ornament, 1100.
- for charitable and public uses, 1100.
- for other public or charitable purposes, 1100.
- of land bordering on navigable waters, 271, 275 n.
- use of dedicated lands for wharves, 1101.
- of land which is a mere *cul de sac*, 1091, 1092 n.
- servitude of view from, 1100 n.
- when abutter owns to centre of street, 1076, 1134 n.
- issue of patent by United States subsequent to, 1078 n.
- power of city in respect to dedicated lands, 1234 n.
- right to build bay windows extending into dedicated passageway, 1185.
- obligation of donor to maintain dedicated bridge, 1075 n.
- liability for excavations in dedicated lands, 1075 n.
- municipality cannot be deprived of control of street, 1072.
- adverse possession of dedicated street or square, 977 n.
- limitation of action by municipality for recovery of possession of dedicated property, 1191.

## III. BY PLATTING AND SALE ACCORDING TO PLAT,

- by making and recording plat, 1079.
- by platting and sale of lots, 1083, 1085.
- mode of platting as showing, 1085.
- plat as evidence of intention, 1085.
- acknowledgment, when necessary, 1071.
- authentication of town plats and maps, 1071 n.
- requirement that plat be recorded, 1071 n.
- construction of plat is for court, 1085 n.
- title to fee of street under sale according to plat, 1084.
- when streets and squares are indicated on a map, 1083 n.
- extent of interest acquired by purchaser, 1084.
- interest of purchaser in all streets shown on plat, 1084.
- necessity of acceptance by public, 1090.
- where corporate limits are extended so as to embrace recorded plat, 1087 n.
- power of owner to rescind, 1090.
- validating defective plats by statute, 1071 n.

## IV. ACCEPTANCE,

- acceptance by public necessary, 1086.
  - by act of legislature, 1087.
  - by municipal authorities, 1087.
- by municipality, no acceptance necessary, 1087.
- acceptance implied from long continued user, 1086.
- partial acceptance of dedication, 1088.
- time of acceptance, 1089.
- obligation of municipality to repair after acceptance of dedication, 1087.
- estoppel of owner to claim damages for lands, 1092.

## V. REVOCATION; ALIENATION; REVERTER,

- when not revocable, 1074, 1091, 1092 n.
- revocation of, 1091.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DEDICATION** — *continued*.

- alienation of dedicated lands, 1102, 1103, 1104, 1106, 1131 n.
- civil law doctrine, Louisiana, 1105.
- injunction against sale of land dedicated as common, 1579 n.
- power to vacate dedicated street, 1160 n.
- title to dedicated lands on vacation of street, 1160.
- change of use, 1102, 1103, 1104.
- reverter; misuser; remedy, 1106.
- reverter of lands on vacation of street, 1071 n.
- power of legislature or chancery to appoint trustee for dedicated lands, 1074 n.

**DEED.** (See **CONVEYANCE; PROPERTY.**)

- power of city to sell and convey, 991.
- by municipality, 789, 998, 999.
- by agent of municipality, 999.
- sufficiency of delivery to and acceptance by city, 976 n.
- when *ultra vires*, affixing of seal will not bind corporation, 361 n.
- authority of mayor to warrant title, 384 n.
- liability of city under covenant of warranty, 998 n.
- grants upon condition subsequent, 979.
- forfeiture for breach of condition subsequent, 979.
- grant for charitable trust germane to corporate purposes, 988.
- grant for object foreign to corporate purposes, 989.
- dedication and grant distinguished, 1070 n.
- conveyances by platted description; title to fee of streets, 1083, 1084.
- conveyances reserving right to compensation for destruction of easements in street, 1125.

**DE FACTO CORPORATIONS,**

- essentials to existence of, 67.
- issuance of bonds by, 887.
- exercise of power of eminent domain by, 1041 n.

**DE FACTO OFFICERS.** (See also **OFFICE AND OFFICER.**)

- acts of *de facto* councils and officers, 395, 518.
- validity of acts of, 1554 n.
- appointments to office by *de facto* officer or board, 385 n., 519.
- issuance of bonds by, 887.
- signature of bonds by, 888.
- persons signing bonds must be incumbents of *de jure* office, 916.
- validity of license granted by, 643 n.
- statutes passed by *de facto* legislature, 518 n.
- acts of wrong corporate body, 516.
- mandamus* will lie to *de facto* officers, 1554 n.
- compensation or salary of, 375 n., 429.
- legislative ratification of title to office, 375 n.
- ratification of contract by mayor *de facto*, 797 n.
- liability for trespass by, 1650 n.

**DELAY.** (See **INJUNCTION; LIMITATION OF ACTIONS.**)

- liability of city for delay in making assessment, 827 n.
- liability of contractor's surety for, 830 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1249; Volume IV, sections 1350-1747]

**DELAY** — *continued*.

- application of principle of ratification by, 951.
- effect on right to *mandamus*, 1526, 1528 n.
- injunction and relief, 1582, 1590 n.
- may defeat right to *certiorari*, 1595 n.

**DELEGATION OF POWER.** (See COUNCIL; LEGISLATURE; POWER.)

- legislature cannot delegate its law-making power, 69.
- to municipal corporations to make ordinances, 573.
- to boards of health and other administrative bodies to adopt regulations, 574.
- to establish or change boundaries, 353.
- to municipality of power to regulate rates for public service, 1325.
- to courts of power to fix boundaries, 352 n, 353 n.
- to exercise power of eminent domain, 1038.
- of taxation, 1376, 1380.
- in respect to streets and public places, 1129, 1239, 1277.
- by municipal authorities, when invalid, 244, 661, 704, 1042, 1231, 1383.
- public powers and trusts cannot be delegated, 244.
- of legislative power to enact ordinances, 573.
- of legislative powers as to markets, 705 n.
- to consent to railway in street, 1227.
- of power of election or appointment to office, 385 n.
- power to determine paving materials, 820 n.
- to determine quantity of work to be done under contract, 807 n.
- municipality cannot delegate power to tax, 1383.
- power of deputy to act on charges against officer, 483 n.
- agents for ministerial duties may be appointed, 244.
- to agents to execute contracts, 785.
- of power of council to compromise, 775 n.
- to city clerk to give notice of meetings for condemnation purposes, 1042 n.
- authority to officials to close street for repairs, 1163 n.
- to determine whether municipal bonds shall be sold, 895 n.
- statute authorizing contractor to collect assessment, 827 n.
- agreement by city not to exercise public franchise, 771 n.

**DEMAND,**

- statutory requirement of demand before suit, 1612, 1636 n.
- necessary to action on warrant, 854, 1612, 1640 n.
- interest on warrant only payable after demand, 867.
- when necessary on application for *mandamus*, 1514, 1525, 1528, 1529.
- as preliminary to action for penalty under ordinance, 642.
- in action to recover money advanced on void contract, 792 n.
- what is a sufficient demand, 1507 n.

**DEMOLITION OF BUILDINGS,**

- to prevent spread of conflagration, 301, 393, 1632, 1635 n.
- power of municipality in respect to nuisances, 688 n.
- in action of trespass, city may justify, 727, 816 n.

**DEPARTMENT STORES,**

- power to prohibit sale of meats in, 665 n.

**DEPOSIT,**

- forfeiture for failure to execute contract, 810.
- by bidder for municipal bonds, 895.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DEPOSITARY.** (See also **TREASURER.**)

*mandamus* to compel county treasurer to deposit funds, 1487 n.  
liability of treasurer for moneys lost by failure of, 434.  
of bonds in escrow; performance of conditions, 937.

**DETINUE,**

by corporation for its records, 559 n.

**DEVISE,**

State may take by, 43.  
power of corporation to take by, 981 n.  
to municipality by popular name, 350.  
effect of misnomer, 349, 350.  
to city in trust for education and support of orphans, 983.  
to educate poor children, 984, 985.  
in trust for relief of poor emigrants, 986.  
for erection and support of hospital, 987.  
for object foreign to corporate purposes, 989.

**DISCONTINUANCE,**

of proceedings to condemn land, 1044.

**DISCRETION,**

not subject to judicial control, 242, 243, 1492.  
discretionary powers as to water and light not reviewable by court, 1032, 1296.  
contract to restrict free exercise of legislative discretion, void, 777, 792, 1145 n.  
of council in respect to lowest bidder, 805.  
official cannot be interfered with by *mandamus*, 1492, 1493.  
of legislature in conferring power of taxation, etc., cannot be interfered with by the courts, 74.  
*mandamus*; discretionary powers and imperative duties distinguished, 1489.  
of court as to granting of *mandamus*, 1526 n.  
to grant informations in the nature of *quo warranto*, 1561.  
liability for exercise of discretionary power, 439 n, 1626.

**DISCRIMINATION,**

validity of discriminative ordinances, 593.  
of discriminating taxes, 1356.

**DISFRANCHISEMENT,**

subject treated, 460.  
English doctrine not applicable, 460, 461.  
amotion and disfranchisement distinguished, 460.

**DISORDERLY CONDUCT,**

presiding officer may order removal for, 511 n.  
what constitutes, as cause for removal of officer, 469.  
ordinances prohibiting, 586 n., 729.  
preventing in public streets, 712 n.  
vagrancy distinguished from, 722 n.  
drunken persons, 729 n.  
simple trespass is not, 729 n.  
charivari, 729 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DISORDERLY PERSONS,**

vagrants as, 722 n.

**DISPLAYS AND EXHIBITIONS,**

bequest to town for display of flags, 988 n.

in public streets; liability, 1703.

liability for injuries during fire department parade, 1650 n.

**DISQUALIFICATION,**

eligibility to office, 372.

interest of officer in municipal contract, 772, 773.

effect of pecuniary interest on adoption of ordinance, 575 n.

**DISSOLUTION OF CORPORATION,**

how municipal corporations are dissolved in England, 330.

power of Parliament unlimited, 108.

how dissolved in the United States, 331.

power of legislature to abolish, 92, 107, 122, 230, 330 n.

limitation on power of legislature, 108.

forfeiture of charter of franchise, 330, 333, 1558.

surrender of charter, 332.

changes not amounting to, 337, 338.

change of powers, name, etc., without change of identity, 346.

of corporate boundaries, 233, 337, 355.

effect of dissolution, 112, 233, 334, 335, 337, 338.

effect of, on property and contract rights, 112.

property and debts on legislative extinction, 357.

power of legislature to apportion debts and property, 360.

rights of corporation under contracts, 112.

effect on property rights acquired by virtue of municipal grants, 112.

rights of creditors on, 106, 112, 330, 334, 335, 336, 338, 339, 357 n.

doctrine of United States Supreme Court, 336.

*quo warranto*, where corporation is dissolved, 1556.

*quo warranto* against persons acting as officers after dissolution, 1557 n.

**DISTILLERY,**

right of city to recover back revenue taxes paid to general government, 1654

**DISTRESS,**

power to enforce penalties for violations of ordinance by, 625 n.

enforcement of by-laws and taxes by, 608, 1417.

collection of taxes by distraint of goods, 1413 n.

for wharfage or tolls for using wharf, 263.

**DISTRICT OF COLUMBIA,**

power of Congress as to taxation, 1355 n.

control of streets in city of Washington, 1128 n.

liability for defects in streets, 1655 n.

**DIVISION OF TERRITORY,**

extent of legislative power over, 92, 107, 358.

power to disconnect or detach territory, 356.

title to property on, 359.

power of legislature to apportion debts and property, 360.

ownership of property where no legislative disposition is made, 359, 360.

at what time partition of property must be made by legislature, 360.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DIVISION OF TERRITORY** — *continued*.

- apportionment of debts on division or change of boundaries, 106, 358, 360.
- disposition of trust property and funds on, 131 n.
- mandamus* to compel apportionment of money, 1487 n.
- ownership of ferry on division of town, 277 n.
- insufficient legal division may be ratified, 360 n.
- rights of creditors on, 358.

**DOCKS.** (See **WHARVES**.)

**DOCUMENTS.** (See **EVIDENCE**; **RECORDS AND DOCUMENTS**.)

**DOGS.** (See **ANIMALS**.)

- licensing and regulating keeping of, 662 n., 724, 1371 n.
- liability for acts of person detailed to enforce ordinance prohibiting running at large, 1656 n.

**DONATIONS,**

- in aid of water company, 976 n.
- to railroads, 884, 886, 953 n.
- distinction between "donation" to railroad and "subscription" to its stock, 897 n.

**DOORS,**

- opening upon street or way, usage, 1183.

**DOOR-STEPS.** (See **ENCROACHMENTS**.)

- statutory provision limiting projection into street, 1131, 1387 n.

**DOUBLE OFFENCES,**

- single offence cannot be made double, 614, 615.
- punishment by State and by municipality, 630, 632.

**DRAINAGE DISTRICTS,**

- public corporations in Illinois, 34 n.
- power to create in Illinois, 1372 n., 1439 n.
- quo warranto* to try validity of incorporation, 1556, n.

**DRAINS.** (See **SEWERS**.)

- construction of, in streets, 1148.
- exercise of power of eminent domain for, 1034.
- right of abutters to connect with, 1162.

**DRAYMEN,**

- authority to license, 662.

**DRAYS.** (See **STREETS**; **VEHICLES**.)

- power to regulate, license, etc., 663.
- use of streets by, 1166.

**DRUGGISTS,**

- validity of license tax on, 661 n.
- ordinances prohibiting sale of liquors, 674 n.
- ordinance requiring quarterly verified statements by, 589 n.
- liability of city for granting license to lunatic, 1630 n.

**DRUMMERS,**

- occupation and license taxes; interstate commerce, 1356.

**DRUNKENNESS,**

- as cause for removal of alderman, 476 n.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**DRUNKENNESS** — *continued*.

- as cause for removal from office, 477 n.
- disorderly conduct, 729 n.

**DUE PROCESS OF LAW.** (See CONSTITUTIONAL LAW.)

- taxation; meaning of phrase, 1365.
- ordinances depriving person of his property without, void, 685 n.
- summary prosecutions in municipal courts, 750, 1432.
- taxation; right to notice and hearing, 1365.
- when right of appeal sufficient, 1365 n.
- when taxation may be "taking" of property without, 1395 n.
- notice and hearing before forfeiture of animals at large, 620-623.
- removal of garbage in exercise of police power, 678.

**DUELLING,**

- disqualification for office, 372 n.

**EASEMENTS.** (See ABUTTER; DEDICATION; EMINENT DOMAIN; STREETS.)

- grant of, in street by special act void, 73 n.
- by dedication, 1072, 1076.
- of light, air and prospect by dedication, 1100 n.
- abutter's right of view or prospect, 1184 n.
- when taking of easement satisfies statute, grant will be so limited, 1023, 1039.
- effect of reservation of easement across street, 1083 n.
- alienation of dedicated lands, where public have easement in highway, 1103 n.
- appropriation to street uses of lands subject to private easements; compensation, 1143.
- right to temporarily obstruct streets for receiving and delivering goods, etc., 1168.
- effect of judgment in ejectment on public easement in street, 1137.

**EDUCATION,**

- trusts for educational purposes, 988.
- devise to city in trust for education of orphans, 983.
- devise to city to educate the poor, 984, 985.
- trusts to erect and maintain libraries, 988.
- grant to city in trust for particular individuals, 989.
- deeds for school purposes on conditions subsequent, 979 n.
- grants to city for, subject until executed to legislative control, 103 n., 111 n.
- school society may take devise for, 987 n.

**EDUCATIONAL FUND,**

- raised by individual bounty, legislature cannot control, 358 n.

**EDUCATIONAL INSTITUTIONS,**

- obligation of company to furnish free water to schools, 1306 n.

**EGYPTIAN CITIES,**

- historical view, 1.

**EJECTMENT,**

- remedy of municipality for obstruction of street, 1133.
- of owner of fee of street for unauthorized use thereof, 1244.
- of abutter for obstruction in street, 1134, 1135.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **EJECTION — *continued*.**

- by abutter against railroad company occupying street, 1134 n, 1251 n.
- whether maintainable when dedication is complete, 1134 n.
- by trustees appointed by legislature or chancery, 1074 n.
- effect of judgment in ejection against municipality on public rights in street, 1137.
- to recover land wrongfully taken by city, 1047 n., 1049.
- on failure of city to pay award, remedy of city, 1134.

# **ELECTIONS. (See MANDAMUS; OFFICE AND OFFICER; QUO WARRANTO.)**

## **I. MODE OF HOLDING; NOTICE; BALLOTS,**

- mode of election of certain officers, 392.
- mode of holding prescribed by charter, 59.
- in cities, municipal affair under prohibition of special laws, 165.
- decision of local questions by vote of people, 69.
- election held to determine whether newly erected township be continued, 69.
- requirement of, on question of incurring debt, 213.
- statutory requirement of, for issuance of bonds, 891.
- separate and distinct propositions for issuance of bonds, 213, 891.
- effect of recital in bond, 204.
- when popular vote a condition precedent to franchise, 1304.
- qualification of voters, 371.
- residents as electoral qualification, 371.
- mode of electing officers, 392.
- necessity of ordinance for election of officers, 572 n.
- to office by council, 529.
- eligibility to office, 372.
- election of non-residents, 371.
- electing disqualified persons, 373.
- re-election of expelled member of council, 471.
- unauthorized election, 374.
- time and place of holding, 370.
- election after the charter day, 374 n., 1495, 1496.
- notice of time and place, 374.
- requirement of notice of annual, directory, 1562 n.
- sufficiency of publication of notice, 213.
- computation of time of notice, 374 n.
- registration of voters, 953 n.
- ballots, 371.
- effect of casting blank ballot at council meeting, 528.
- voting booth in street held unlawful, 1175 n.
- individual liability for refusing to receive votes, 440 n.
- election commissioner not a city officer, 772 n.
- expense of, must be borne by the municipality, 379 n.
- mandamus* to compel holding of, 1495, 1496.
- mandamus* as respects municipal elections, 370, 379, 380, 1495, 1497, 1527.
- quo warranto* to try right to hold, 1552 n.
- equity jurisdiction over election, 379 n., 382 n., 517, 1501 n., 1552.
- equity will not enjoin holding of, 1552 n., 1571 n.

## **II. CANVASS OF VOTES; MAJORITY,**

- canvassers, powers, 377, 382, 1497.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### ELECTIONS — *continued*.

- action of board of canvassers not conclusive, 379 n.
- election certificate, *prima facie* title to office, 381 n., 1554.
- mandamus* to canvass vote, 1497.
  - to compel making of certificate of election, 1497 n.
  - where there is doubt concerning validity of, 1503 n.
  - to compel delivery of officer's commission, 1491 n.
- whether plurality vote is sufficient to elect, 520 n.
- what constitutes a majority, 69 n., 317 n., 383.
- majority "voting at an election," 213.

### III. ELECTION CONTESTS,

- what will vitiate an election, 376.
- courts sustain rather than defeat elections, 374.
- informalities or irregularities, 374, 375.
- effect of illegal votes being received, 376.
- inquiry into motives of voters, 213.
- when invalidated by rioting, 374 n.
- when council has decided contest, it cannot re-open the question, 377 n.
- tribunal to decide contested elections, 377, 382, 757 n.
- jurisdiction of courts of law of election contests, 377, 379-382, 482 n., 1552.
- special tribunal to decide election contests, 377, 378.
- quo warranto* to test validity of, 379, 1552-1554, 1562, 1563.
- special statutory jurisdiction as excluding *quo warranto*, 382, 1553 n.
- certiorari* in contested cases, 382, 1592.
- contests will not be determined on *habeas corpus*, 382 n.
- election frauds, when courts will not inquire into, 381.

### ELECTRIC LIGHTING COMPANIES. (See also PUBLIC UTILITIES.)

#### I. FRANCHISE RIGHTS; CONTRACTS,

- conditions attached to grants of franchises, 1304.
- when popular vote a condition precedent to franchise, 1304.
- grants of franchises to corporations and individuals, 1304.
- sale of franchises to highest bidder, 1305.
- franchise rights are contracts which cannot be impaired, 1306.
- grant of exclusive use of streets for, 239 n., 1215 n.
- power of city to grant exclusive franchise or contract right, 1308.
- grant of franchise not exclusive in absence of express stipulation, 1308.
- when power to give exclusive right incidental to contract for light, 1308.
- exclusive right to supply gas will not prevent contract for electric lighting, 1218 n.
- exclusive grant of right to supply light subject to police power, 1214.
- agreements by municipality to satisfy or pay taxes on works of company, 1310.
- enforcing compliance with conditions of franchises, 1311.
- breach of condition of franchise by company; forfeiture, 1311.
- liability of city for light furnished; implied contract, 1338.
- ultra vires*; executed and executory provisions, 1339.
- contract for, as affected by limitation of indebtedness, 196.

#### II. FRANCHISES IN STREETS. (See also STREET FRANCHISES.)

- grant of franchise to use streets for electric lighting appliances, 1214.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ELECTRIC LIGHTING COMPANIES — *continued*.**

legislature may grant right to use streets without consent of municipality, 1222.  
 constitutional requirement of consent of municipality to use of street, 1223-1231.  
 right to use city streets under California constitution, 1304 n.  
 poles and conductors for lighting not additional servitude, 1213.  
 distinction between urban streets and rural ways for lighting purposes, 1213.  
 poles and wires to supply for private purposes as an additional servitude, 1213 n.  
 use of streets for supplying light to private persons, 1213.  
 exercise of conflicting franchises in street, 1243.  
 rental charges; charges for inspection and supervision, 1275.  
 rights of municipality and grantee at expiration of franchise, 1315.  
 purchase of works of company by city, 1312.  
 acquisition of works of company by eminent domain, 1313, 1314.  
 exercise of eminent domain for power works for commercial purposes, 1300 n.  
 police power; removal of overhead wires, 1220 n., 1274.  
 taxation of franchises in streets, etc., 1392.

**III. DUTIES TO CONSUMERS; REGULATION OF RATES,**

duty to furnish supply, 1317.  
 remedies for refusal to furnish supply, 1317.  
 rules and regulations, 1319.  
 meters, 1320.  
 failure to pay for service, 1321.  
 rates must be reasonable, 1318.  
 stipulations as to rates in ordinances and contracts, 1326.  
 legislative regulation of rates, 1324.  
 regulation of rates; delegation of power to municipality, 1325.  
     power is continuing in its nature, 1326.  
     province of court, 1327.  
     remedy in equity against unreasonable regulation, 1328.  
 power of city to fix rate for definite period, 1326.  
 power of judiciary to fix or prescribe rates, 1329.  
 right of company to reasonable rate, 1327.  
 what are reasonable rates? general considerations, 1330.  
     elements of value; property and franchises, 1331.  
     cost of construction, 1332.  
     cost of reproduction of works, 1333.  
     risks and incidents of business, 1334.  
     elements of value of property, capitalization and bonded indebtedness, 1335.  
     cost of operation; maintenance and depreciation, 1336.  
     net profit or return to corporation, 1337.

**ELECTRIC LIGHT PLANTS. (See also ELECTRIC LIGHT COMPANIES; LIGHTING; PUBLIC UTILITIES.)**

authority to condemn lands for, 1033 n.  
 debts for, excepted from limitation of indebtedness, 190.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **ELECTRIC LIGHT PLANTS—continued.**

- special limitations on indebtedness for, 214.
- when towers for electric lighting not local improvements, 825 n.

# **ELECTRIC POWER,**

- exercise of eminent domain for power works for commercial purposes, 1300 n.

# **ELECTRIC RAILWAYS. (See STREET RAILWAYS.)**

- use of streets for, 1249.
- interurban street railways, 1258.

# **ELEVATED RAILWAYS. (See RAILROADS.)**

- necessity of municipal consent and consent of abutters under constitution, 1224 n.
- scope of legislative power; rights of abutters, 1259-1261.
- development of the law in New York, 1262.
- taking of abutters' easements, 1124-1127.
- additional servitude; rule in Illinois, 1253.
- compensation for construction of pillars in vault beneath sidewalk, 1180 n.
- adverse possession as against abutter by user of street, 1262.
- rights of abutter, measure of damages, benefits, 1263.
- remedies of abutters at law and in equity; injunction, 1264.
- cannot be constructed under consent of abutters to surface road, 1232 n.

# **EMBEZZLEMENT,**

- by treasurer by illegal issue of warrants, 864.

# **EMERGENCY,**

- justifying letting of contract without competition, 802.

# **EMIGRANTS,**

- Mullanphy's devise to St. Louis in trust for relief, 986.

# **EMINENT DOMAIN,**

## **I. NATURE AND SCOPE OF POWER; DELEGATION,**

- nature and scope of power, 1011.
- police power distinguished from, 301.
- distinguished from taxation, 1353.
- provisions of State constitutions, 1012.
- Federal Constitution, Fifth and Fourteenth Amendments, 1013.
- general effect of constitutional limitations, 1014.
- what is a "taking" of property, 1014, 1050 n., 1675 n., 1676 n., 1679-1686.
- constitutional amendments ordaining liability for property "damaged," 1015, 1054 n.
- meaning of "property," "taken," "damaged," 1016, 1017, 1018, 1683.
- term "injuriously affected" construed, 1017 n., 1679 n.
- scope and purpose of constitutional amendments, 1018.
- property "damaged," change of grade, 1676-1678.
- consequential damages not a "taking" of property; special remedy, 1680-1683.
- consequential damages; grades and change of grades in streets, 1676-1678.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EMINENT DOMAIN** — *continued.*

consequential damages ; liability for grades and changes of grade under constitutional provision, 1684-1686.  
necessity of taking to be determined by legislature, 1023, 1024.  
legislature cannot make grant in restraint of right of, 1038 n.  
legislature cannot by stipulation preclude subsequent legislature from exercising power, 1313.  
legislative and judicial domain distinguished, 1036.  
necessity or expediency of taking, a political not a judicial question, 1036.  
declaration of necessity of taking not required, 1037.  
nature of use or purpose reviewable by courts, 1036.  
record of motives not required, 1037.  
exercise of power by United States, 1013 n.  
delegation of power to municipal corporation, 1038.  
right of *de facto* corporation to exercise power, 1041 n.  
delegation of power to foreign corporation, 1304 n.  
exercise of power under freeholders' charter, 63 n., 1024 n.  
not municipal affair under prohibition of special laws, 165.  
construction of grants of power, 1039.  
enabling ordinance held to be necessary, 1040 n.  
power must be strictly construed, 1040.  
compliance with conditions precedent, 1041.  
disagreement of parties as to compensation, 1041.  
owner may waive constitutional or statutory provisions for his benefit, 1041 n.  
property held under valid grants from city can only be taken by, 1103 n.  
evidence to show that improvement when completed was a nuisance, 1062 n.

**II. PUBLIC USES; SPECIFIC PURPOSES,**

land can be taken only for public use, 1031.  
what is a public use, 1031-1035.  
individuals may contribute toward expense, 1032.  
power as applicable to private corporations, 1019.  
whether for ornamental purposes, 1035.  
power to condemn lands belonging to State, 1022 n.  
condemnation of lands of municipality devoted to public use, 1022.  
condemnation of lands beyond municipal limits, 1028.  
power to open street through cemetery, 1019 n.  
extension of streets across railroads, 1020.  
    measure of compensation, 1021.  
mapping or platting streets as a taking of land, 1029.  
vacation of streets as taking or damaging property, 1160.  
requirement that new buildings recede from old to new building line, 1029.  
power may be delegated to park commissioners, 1038 n.  
condemnation of contract rights, 1016 n.  
cemetery purposes, 683, 1031 n.  
water supply, etc., 1033.  
power to acquire water rights, 1019 n.  
aquisition by city of works of public service corporations, 1313, 1314.  
condemnation of riparian rights, 1016 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EMINENT DOMAIN** — *continued*.

- power may be exercised for irrigating canal, 883 n.
- exercise of power for wharf purposes, 269.
- demolition of buildings to prevent spread of fire, 1632-1635.
- establishment of small-pox hospital not a taking or damaging, 1018 n.
- assessment for grading and improving street under power to open street, 1042.
- exercise of eminent domain for power works for commercial purposes, 1300 n.
- power of railroad company to condemn levee, 1019 n.
- compensation for property "damaged" by railroad in street, 1252.
- elements essential to give railway company right of, 1134 n.
- leasing of railway does not deprive lessor of the power, 1259 n.
- authority to exercise power in favor of steam railroad in streets must plainly appear, 1251 n.
- power of railroad to condemn city's reservoir land, 1022 n.
- exercise of power in respect to use of street for telegraph poles, 1220.
- establishment of grade independent of condemnation of street, 1151, 1152 notes.
- right to compensation for additional servitudes in public streets, see **ABUTTERS**.

**III. ESTATE OR INTEREST CONDEMNED,**

- amount and estate in lands which may be taken, 1023, 1027.
- when the authority will be limited to the taking of an easement merely, 1023, 1039.
- only such interest as is necessary to accomplish the public purpose, 1019 n.
- legislature may authorize fee to be taken, 1023, 1034 n.
- estate condemned; fee or easement, 1025.
- effect of owner's consent to condemnation of more than necessary, 1026.
- condemnation of entire lot, 1026.
- exercise of power for temporary purposes only, 1025 n.
- taking of property for future requirements, 1027.
- abandonment or change of use when land is taken in fee, 1023, 1024.

**IV. DAMAGES AND COMPENSATION,**

- measure of compensation is judicial and not legislative question, 1036.
- power of council to agree upon amount of damages, 1057.
- what is "just compensation," 1061 n.
- amount of damages, how and by whom estimated, 1055-1062.
- compensation to city for city lands taken for opening streets, 1022 n.
- city entitled to compensation when land owned by it in fee is taken, 111, 1023 n.
- compensation to city for taking of sewer system by Federal government, 1022 n.
- liability for value of improvements made by city before acquiring title, 1651 n.
- appropriation to street uses of lands subject to private easements, 1143.
- measure of value or damages, 1055.
- measure of damages; works of public service corporation, 1314.
- action at law for value of land taken and damages, 1050 n.
- elements to be considered in estimating compensation, 1016, 1059.
- value of property to be estimated as of what time, 1061 n., 1062 n.
- compensation; payment of damages resulting from improvement, 1051.
- setting off benefits, 1061, 1062.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EMINENT DOMAIN** — *continued*.

- rules to measure damages; general and special benefits, 1061, 1062.
- "any benefit" construed and limited, 1061 n.
- compensation for buildings upon the lands taken, 1062.
- amount of damages, 1058.
- elements of compensation; determination of market value, 1060.
- adaptability for particular uses, 1059.
- fixtures, 1060 n.
- statutory provision for payment of damages to business, etc., 1033 n.
- when land is already burdened with private right of way and incipient dedication, 1061 n.
- whether consequential damages are to be regarded, 1061 n., 1062 n.
- liability for consequential damages under special constitutional provisions, 1683-1686 notes.
- measure of compensation to lessor and to lessee, 1062 n.
- compensation to abutter on streets for use by railroads, 1248-1280. (See **ABUTTER; STREETS**.)
- city may appropriate larger sum as damages than is assessed, 1057.
- compensation; when payment to be made, 1051.
- effect of receiving the damages, 1026, 1030.
- requirement to first make payment construed, 1051 n., 1641.
- when municipality concluded in respect to damages awarded, 1046.
- right to compensation belongs to owner of property at the time taken, 1050 n.
- interest on award of compensation, 1050 n.
- mandamus to compel assessment to pay award, 1050.

**V. ASSESSMENT OF BENEFITS,**

- assessment for benefits not the same as deduction for benefits, 1053.
- various constitutional provisions construed, 1054 n.
- apportionment of damages among property benefited, 1052, 1053.
- as to general and special benefits, 1062 n.
- assessments against abutters for benefits received from opening streets, 1052, 1053. (See **ABUTTER**.)
- where the value is less than the amount assessed, 1061 n.
- city not primarily liable for benefits assessed against individuals, 1050 n.

**VI. PROCEDURE; REMEDIES,**

- notice of proceeding, 1042.
- constructive notice of proceeding, 1042.
- removal of proceedings to Federal courts, 1013 n.
- acceptance of damages as waiver of objection, 1030.
- defective proceedings and effect, 1041.
- confirmation of defective proceedings by legislature, 1030 n.
- selection of appraiser, 1042.
- qualifications of assessment commissioners, 1043.
- tribunal or body to assess damages, 1054.
- where a commissioner is an interested party, 1056 n.
- right to jury trial, 1054.
- appointment of commissioners to ascertain damages, 1056.
- liability for unreasonable delay, &c., 1045.
- costs and expenses, by whom paid, 1039 n., 1433 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

#### EMINENT DOMAIN — *continued*.

- of the right to discontinue or abandon proceedings, 1044-1046.
- abandonment of proceedings will not entitle landowner to damages, 1050 n.
- conclusive effect of report of commissioners, 1046.
- appeal, *certiorari*, equity jurisdiction, 1047.
- enforcement of payment of compensation, 1048-1051.
- wrongful acts of corporation in condemnation proceedings, remedy of landowner, 1045, 1046.
- city cannot agree to submit assessment to arbitration, 1057 n.
- ejectment on failure of city to pay award, remedy of city, 1134 n.
- certiorari* granted where damages were appraised without notice or hearing, 1593 n.
- injunction to restrain opening street until security be given, 1051 n.
- quo warranto* will not lie for taking land without making compensation, 1559 n.

#### EMPLOYEES,

- officers and employees distinguished, 425.
- right to *mandamus* in case of wrongful removal, 487.

#### ENCROACHMENTS,

- may be nuisances, 1131.
- on streets, act legalizing, may be repealed, 1129.
- when duty of city to remove, 16.
- enforcement of penalty for failure to remove, 612.
- liability for removal of property not an encroachment, 1651.
- fruit, candy and market stands, 1177.
- openings in sidewalks, vaults, 1178, 1179.
- areas, cellar-ways and vaults, 1180.
- stepping-stones, hitching posts, shade trees, etc., 1181.
- porches, bay-windows, cornices and ornament projections, 1182, 1184, 1185.
- doors, shutters, iron gratings, etc., usage, 1183.
- awnings, 1186.

#### ENGINEER, CITY,

- power to modify contract, 820 n.
- power to extend time for performing contract, 820 n.
- performance of work to satisfaction of, 823.
- refusal of engineer to give certificate of performance, 823.
- liability for act of city surveyor or engineer, 1655 n., 1663, 1664.

#### ENGLISH MUNICIPAL CORPORATIONS,

- how created, 50-54.
- creation and kinds, 50.
- royal and parliamentary charters, 51.
- assent and acceptance of charter by grantee, 52.
- constitution of old English municipality, 53.
- Municipal Corporation Reform Act of 1835, and revised Act of 1882, 54.
- how dissolved, 330.
- distinguished from towns in New England, 41.
- existing municipal government contrasted with American system, 55 n.
- control of parliament unlimited, 108.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ENGLISH MUNICIPAL CORPORATIONS — continued.**

- custody of records and documents, 559 n.
- English decisions concerning records as evidence, 561 n.
- by-laws cannot alter rules prescribed by parliament, 587.
- powers with respect to nuisances, 609-684 n.
- by-law imposing penalty for refusal to service in office, valid, 632 n.
- mode of enforcing ordinances, 634, 642.
- municipal courts, 740-742.
- summary prosecutions for violations of by-laws, 750.
- statutes of mortmain, 971.
- result of legislation in respect to capacity to acquire property, 973.
- may hold property for charitable trusts, 982 n.
- express legislative sanction necessary for laying down gas-pipes, 1214.
- and for use of streets by railways, 122 n., 1237.
- nature and functions of writ of *mandamus*, 1480, 1495, 1498, 1533.
- origin and use of informations in nature of *quo warranto*, 1550.
- jurisdiction in equity with respect to property and funds, 1574, 1575.
- remedy by *certiorari*, 1591.
- by indictment, 1597.
- leading decisions as to implied liability for tortious injuries, 1668 n.
- duty of parishes and counties to keep roads and bridges in repair, 1687 n.

**ENTERTAINMENTS,**

- no implied power to furnish, 309.

**ENTRIES ON RECORDS,**

- nunc pro tunc*, 540, 554 n.

**EQUITY. (See DELAY; INJUNCTION; SPECIFIC PERFORMANCE; TRUSTEES.)**

**I. IN GENERAL,**

- general doctrine as to relief in, 624, 997, 1587.
- discretionary powers not controllable by, 242, 818, 1570-1590.
- with respect to public nuisances, 684 n., 865 n., 688 n., 689 n., 727 n.
- cannot relieve against valid penalties and forfeitures, 624, 997.
- to aid municipality in enforcing its public duties, 727 n.
- will relieve against unreasonable contract by city, 803 n.
- correcting mistakes of engineer, 828 n.
- remedy in, for unreasonable regulation of rate for public service, 1328.
- will restrain attempt to exercise jurisdiction within another municipality, 1571 n.
- nature of the jurisdiction in equity when not enlarged by statute, 1572.
- to prevent multiplicity of suits, 1047, 1573 n., 1584 n.
- cloud on title, 1047, 1590.

**II. ENACTMENT AND ENFORCEMENT OF ORDINANCES,**

- jurisdiction to enjoin enactment of invalid ordinance, 582.
- validity of ordinances may be tested in proper cases, 646.
- restraining mayor from signing ordinance, 578 n.
- restraining violation of fire limit ordinance, 727.
- jurisdiction to enjoin enforcement of invalid ordinance, 582, 612 n., 650, 1573 n.
- bill to have wharfage ordinance declared void, 1590 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **EQUITY — continued.**

## **III. ELECTIONS; TITLE TO OFFICE,**

- no jurisdiction to enjoin holding of election, 1552 n.
- when equity will not interfere in election cases, 379 n., 382 n., 1552.
- jurisdiction to try title to office, 1501 n., 1552.
- jurisdiction in case of conflicting councils, 517.
- bill in equity not proper proceeding to determine right of mayor to preside over meeting, 514.
- officer cannot resort to equity to prevent removal from office, 482 n., 1504 n.
- will not ordinarily enjoin payment of salary to incumbent pending contest, 429 n.

## **IV. STREETS; SEWERS; PUBLIC PLACES,**

- will not interfere to prevent erection of suitable public buildings, 300.
- power as respects public squares, etc., 1095 n.
- remedies of abutters on public parks, 1097 n.
- over municipal proceedings to open, etc. streets, 1047, 1049, 1571 n.
- obstructions in public streets, 1130, 1132, 1133 n., 1134 n., 1244.
- remedy of abutter against vacation of streets without compensation, 1160.
- when remedy of abutter is in, 1047, 1095 n., 1132, 1571 n., 1682. (See **ABUTTER.**)
- whether equity will interfere with respect to construction of sewers, 1739 n.
- remedy in, to prevent misuser of dedicated lands, 1106.
- no remedy in, to recover possession of dedicated lands, 1073 n.
- in case of misuser of dedicated property, 1106.
- where municipality is in possession of land under alleged dedication, 1073 n. (See **DEDICATION.**)
- power of chancery to appoint trustee for dedicated lands, 1074 n.
- rescission of franchise of public service corporation for breach of condition, 1311.
- injunction against construction of unauthorized railway, etc., in street, 1226 n., 1244.
- by grantee of franchise against unauthorized exercise of similar franchise, 1244.
- by abutter against maintenance and operation of elevated railway, 1264.

## **V. TAXATION AND ASSESSMENT,**

- power to restrain collection of illegal taxes, 1579 and notes, 1589, 1590.
- mandamus*, not bill in equity, proper remedy to enforce levy of tax, 1507, 1513, 1519 n., 1520, 1584.
- no jurisdiction to collect taxes to pay debts, 1513 n.
- remedy in, to restrain sale of property to pay local assessment, 1454.
- enforcement of liens for taxes, 1416 n., 1421.

## **VI. CONTRACTS; RIGHTS OF CREDITORS,**

- jurisdiction to enforce judgments against corporation, 1519 n.
- effect of pendency of suit in equity on right to *mandamus*, 1485 n.
- jurisdiction to compel issue of bonds, 1482.
- corporation cannot be relieved against its bond in equity, when, 881 n.
- mistakes in securities may be corrected, 880 n.
- omission of officer to countersign bonds, remedy in, 959 n.
- suit by holder of improvement bond to foreclose assessment lien, 893 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EQUITY** — *continued*.

- suit by bondholder for accounting of assessments to pay bonds, 893.
- municipality may maintain bill to cancel illegal warrants, 857.
- remedy of creditors of extinguished corporation, 336 n., 357.
- bill to set aside settlement of accounts on division of township, 360 n.

**VII. WRONGFUL AND ILLEGAL CORPORATE ACTS.** (See also **TAXPAYERS' ACTIONS.**)

- remedy to prevent and redress unauthorized and illegal acts, 1570-1588.
- usual remedy for unauthorized or illegal act is at law, not in equity, 1571.
- extent and mode of equitable interference in this country, 1576.
- jurisdiction of Federal courts over municipal authorities, 1572.
- remedies for corporate excess of power, 1573.
- relaxation of rule which denies right to resort to equity, 1573.
- preventing abuse of corporate powers, 1047 n., 1575.
- relief in, citizen or tax-payer when entitled to, 857, 1579-1587.
- remedies for fraudulent disposition of corporate property and funds, 1575.
- right of attorney-general to file bill against corporation or officers, 1574-1578.
- suits by attorney-general for fraudulent disposition of corporate property and funds, 1575-1578.
- to restrain unauthorized letting of contract, 1577.
- doctrine in Tweed fraud cases, — money fraudulently taken from city, 1578.
- suits by taxpayers to restrain illegal and fraudulent acts, 1579-1587.
- where there is danger of misapplication of funds subscribed, 953 n.
- taxpayer's action to enjoin issue of illegal warrants, 857.
- unauthorized issue of scrip to circulate as money, enjoined, 1584 n.
- right of taxpayer to enforce affirmative action of city, 1588.
- injunction against letting contract for patented articles, 1573 n.
- will relieve against fraudulent dispositions of corporate funds or property, 1575, 1579-1587.
- injunction to restrain unauthorized taking of land, 1047 n.
- remedy when corporation is trustee of property or funds, 1574.
- jurisdiction over public charitable trusts in England, 982 n.
- powers in respect to charitable trusts, 107, 334, 982, 986, 989 n.
- appointment of trustees of charitable trusts, 989 n., 1074 n.

**ESCAPE,**

- liability of county for escape from defective jail, 1640 n.

**ESCROW,**

- deposit of bonds in; performance of conditions, 937.

**ESTOPPEL.** (See **EVIDENCE**; **MUNICIPAL BONDS.**)

**I. GENERAL PRINCIPLES,**

- no estoppel to plead *ultra vires*, 791, 792, 857, 1610, 1611, 1647.
- whether doctrine can be asserted against the public, 1187, 1194.
- of municipality to deny its construction of doubtful charter, 241 n.
- equitable, illustrations of, 907 n., 941.
- of city to question validity of ordinance, 575 n.
- of city to assert its ordinance, 629 n.
- ordinance not recorded, proof of due passage, 557 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# ESTOPPEL — *continued*.

- of new town to deny liability for proportion of debt of old, 360 n.
- of city by marking taxes paid, 435 n.
- of city to deny regularity of proceedings of officers, 1647 n.
- when acts of municipal officers will work estoppel, 643.
- effect of participation in meeting illegally called, 509 n.
- effect of promise by candidate to serve without compensation, 427 n.
- of officer to dispute validity of his appointment, 393 n.
- as to estoppel by former judgment, 1508, 1509.
- effect of judgment in *quo warranto*, 1566.
- estoppel of citizen to object to illegal annexation of territory, 355 n.

## II. MUNICIPAL CONTRACTS; BONDS; ETC.,

- where city has received benefits of contract, 793 n.
- illegal contract cannot form groundwork of, 1131 n.
- after contract of sale executed corporation estopped to plead *ultra vires*, 991 n.
- where void contract has been partly executed, 772.
- of contracting party to plead *ultra vires*, 792.
- by representations by city officials as to statutory powers, 777 n.
- to plead unconstitutionality of statute; Ohio cases, 800.
- failure of municipality to disaffirm contract for fraud, 778.
- fraud; audit and part-payment of claim, 778.
- of tenant to deny city's title, 995, 997 n.
- by acquiescence in assignment of contract, 832 n.
- by accepting warrant in full payment, 854 n.
- in actions on warrants, 857.
- no estoppel as to warrants exceeding debt limit, 191 n.
- of sureties on official bonds, 396 n. 496 n.
- by recitals in contractor's bond, 830 n.
  - in municipal bonds. (See MUNICIPAL BONDS.)
  - in bonds as to debt limit, 204.
  - in railroad aid bonds, 324.
- judgment by consent declaring validity of bond, 1610 n.

## III. PUBLIC PROPERTY; STREETS; IMPROVEMENTS,

- as respects ownership of property, 977 n.
- conveyance may operate by way of, 974 n.
- property dedicated to public use, 1071, 1074 n., 1076 n., 1078, 1091, 1092.
- against town on indictment to deny legal establishment of road, 1598 n.
- of city to claim that road is not a highway, 1700.
- as defence to action to remove encroachment from public streets, 1187-1194.
- how far author of defect in street concluded by action against municipality, 1728.
- laches* in attacking proceedings to vacate street, 1160 n.
- of city to dispute vacation of alley, 1160 n.
- by joining in petition for local improvement, 1454 n., 1677 n.
- inaction of property owner as ground of, 1590 n., 1621 n.
- one who signs petition for change of grade estopped to claim damages, 1151, 1152 n.
- of owner to claim compensation for dedicated lands, 1092.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ESTOPPEL** — *continued*.

- by accepting damages awarded in condemnation proceeding, 1030.
- by silence and acquiescence; special assessments, 1455.
- by signing petition for improvement; special assessments, 1456.

**EUROPEAN CITIES,**

- under feudal system, 5.
- under modern system, 6-10.

**EVIDENCE.** (See **ADMISSIONS**; **DECLARATIONS**; **PRESUMPTIONS**; **RECORDS AND DOCUMENTS**.)

- of corporate existence, 232.
- presumptive evidence of regular organization of school district, 232 n.
- presumption of regularity of meeting, 538.
  - of due appointment of officer, 393.
  - of validity and liability on warrant, 855.
- municipal corporation cannot alter rules of, 643.
- opinion, as to damage by elevated railroad, 1263 n.

**I. RECORD EVIDENCE,**

- corporate records and documents as evidence, 550, 561, 562.
- record is best evidence, 557 n., 561 n.
- proper evidence of official transactions of corporate body, 557 n.
- English decisions concerning records as evidence, 561 n.
- records as evidence for the corporation, 561.
- authenticated copies competent evidence, 561.
- evidential force of committee's report, 562.
- when contract must be proved by the record, 793 n., 1640 n.
- parol evidence to explain, vary, or contradict record of meeting, 555, 556.
- proof by parol of facts omitted from record, 557, 558, 1640 n.
- record cannot be contradicted by parol in collateral action, 556.
- parol evidence as to record, when admissible and when not, 555, 556, 561 n., 1640 n.
- election certificate or commission, *prima facie* evidence, 1554.

**II. PAROL EVIDENCE,**

- what facts may be shown by parol, 555 n., 1640.
- parol evidence of adjournment, 555 n.
- to identify corporation intended in a devise, 350 n.
- proof by parol of facts omitted from record, 557, 558, 1640 n.
- parol evidence cannot vary effect of recorded plat, 1079 n.
- parol evidence to prove whether official bond was received or refused, 558 n.
- of agreement to exempt a person from street assessment, 556 n.
- inadmissible to prove vacation of street, 1160 n.

**III. DECLARATIONS AND ADMISSIONS,**

- admission of corporation binding, 562.
- but corporator's admission not, 562 n.
- declarations and admissions of officers, 435, 562 n.
- admissibility of declarations of owner to establish dedication, 1079 n.
- defendant's admission of violation of ordinance competent evidence, 643 n.
- declarations of owner and of deceased surveyor to show dedication, 1079 n.

**IV. ORDINANCES AND RESOLUTIONS,**

- proof of ordinances, 589, 648, 649.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **EVIDENCE — *continued*.**

- passage of ordinance, 554, 579.
- of adoption of ordinances, 579, 606.
- proof of publication of ordinances, 603-607.
- signing and recording of ordinances, 603-607.
- parol proof of publication of ordinance, 606 n.
- presumption of validity of ordinances, 649.
- whether judicial notice taken of ordinances, 639, 648 n.
- resolutions, 607 n.
- acts of board of health, 681 n.
- in actions to enforce penalties under ordinances, 643.
- evidence to jury as to validity of ordinances inadmissible, 413, 422 n.  
(See CHARTERS.)

## **V. DEEDS; CONTRACTS,**

- proof of conveyances, 998 n.
- seal attached to instrument properly attested, *prima facie* evidence, 362.
- municipal tax-deeds as evidence, 1419 n.
- contract of agent by deed binding on corporation as evidence of contract, 789.
- effect of acceptance of work done under street improvement contract, 828 n.
- of fraud must be clear to justify setting aside of contract of agent, 785 n.
- proof of execution of bond when denied under oath, 881 n.
- compliance with conditions precedent to issue of bonds, 911.
- when holder must prove that bonds were issued for some authorized purpose, 881.
- ordinance authorizing issue of certificates of indebtedness at discount, not admissible, 791 n.

## **VI. STREETS; DEDICATION,**

- burden of proof in condemnation proceedings, 1041. (See EMINENT DOMAIN.)
- action of council establishing grade, 1151, 1152 notes.
- proof of vacation of street, 1160 n.
- to establish dedication, 1079.
- unsafe streets; burden of proof as to contributory negligence, 1719.
- intent to dedicate, how established, 636. (See DEDICATION.)
- effect of user and acquiescence, 1080-1082.
- authentication of town plats, 1071 n.
- mode of platting as evidence of dedication, 1085.
- burden of proof of dedication, 1093.

## **EXECUTION. (See also ATTACHMENT; GARNISHMENT; JUDGMENT; MANDAMUS; PROPERTY.)**

- sale of property of city on, 992.
- municipal public utilities not subject to sale on execution, 1297.
- exemption of municipal revenues from seizure for debts, 248.
- attachment or garnishment of official salaries, 428.
- against citizens of New England municipalities for corporate debt, 1506 n., 1639 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EXECUTION** — *continued*.

*mandamus* to municipal officers is in nature of execution of judgment, 1519.

**EXECUTOR,**

power to dedicate decedent's land, 1078 n.

**EXEMPLARY DAMAGES.** (See also **DAMAGES**.)

recovery of, against ministerial officer, 441 n.

**EXEMPTION,**

of municipal revenues from judicial seizure, 248.

of municipalities and public officers from garnishment, 249.

of property from taxation, 1367, 1401, 1433 n., 1443, 1396, 1401, 1384, 1392.

to be construed strictly, 1377 n., 1401.

does not include local assessments, 1439 n., 1444.

from payment of poll-tax, 1407.

from road labor, 1407 n.

of water company from taxation, 1392 n.

of capital stock from taxation as including property represented thereby, 1401 n.

agreements of city to satisfy or pay taxes of water or light company, 1310.

**EXHIBITIONS.** (See also **DISPLAYS**; **THEATRES**.)

power to license, tax, and regulate, 661, 664, 1367, 1369.

shows defined, 667 n.

right to reserve seats cannot be interfered with, 592 n.

proprietor of exhibition cannot be required to pay police officer, 720.

use of streets for, 1174.

circus may become a nuisance, 684 n., 782.

of wild beasts on street a nuisance, 1168 n.

of stud-horse in street a nuisance, 685.

liability of city for damages occasioned by, 1703.

liability for injuries during fire department parade, 1650 n.

**EXPLOSION,**

of gas in man-hole of steam-heating pipe, city held not liable, 1706 n.

**EXPORTS,**

taxation of, 1355.

license taxes on buyers of cotton, 1355 n.

**EXPOSITION,**

power of city to grant lands in aid of, 991 n.

**EXPRESS COMPANIES,**

taxation of; interstate commerce, 1357, 1360.

taxation of property within state, 1360.

power to impose license tax upon, 1364 n.

municipal tax upon receipts of, 1369 n.

**EXPULSION,**

power must be strictly pursued, 468, 469, 470.

**EXTRA PAY,**

power to award, 426, 821.

officers not entitled to, for selling stock owned by county, 991 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**EXTRA SALARY,**

officer has no legal claim for, 426 and n., 427.

**EXTRA WORK.** (See also **CONTRACTS.**)

power to authorize, 812 n., 819 n., 820 n.

liability for, 813.

distinguished from "additional work," 813 n.

performance of, under contract let to lowest bidder, 801.

performance to satisfaction of city officials, 813.

**FACTORIES,**

fire escapes on, 698 n.

**FALLING SUBSTANCES.** (See also **AWNING; SNOW AND ICE.**)

municipal liability, 1705.

liability for, illustrated, 1705 n.

liability of city for fall of wall on adjoining property, 1627 n., 1628 n., 1705 n.

**FALSE IMPRISONMENT,**

town held not liable in action for, 1650 n., 1652.

**FARMING LANDS.** (See **AGRICULTURAL LANDS.**)**FEDERAL CONSTITUTION.** (See also **FEDERAL COURTS.**)

power of Congress to create municipal corporations, 57.

to authorize bridge between two States, 277-a, 1013 n.

local polity of States controls municipal law, 58.

legislative power over municipalities not limited by Federal constitution, 92.

power to open streets over lands of United States, 1033 n.

power of State to tax instrumentalities of Federal government, 1355.

Federal limitations on taxing power, 1354.

taxation of imports and exports, 1355.

of interstate commerce, 1356-1363.

due process of law; taxes; right to notice and hearing, 1365.

power to exact licenses for using harbors, 271.

police powers subject to Federal constitution, 302.

telegraph is instrument of commerce, 1220.

franchise rights protected by contract clause, 1210 n., 1220 n., 1242, 1308.

exemption from taxation is a contract protected against impairment, 1401.

grants of franchises are contracts which cannot be impaired, 1306.

right of public service corporation to reasonable rate, 1327.

exercise of power of eminent domain by Federal government, 1013 n.

**FEDERAL COURTS.** (See also **FEDERAL CONSTITUTION; INTERSTATE COMMERCE.**)

original jurisdiction of Supreme court when State a party, 43.

State court cannot interfere with, 1519, 1545.

local polity of States controls municipal law, 58.

statutes prohibiting removal of actions to, 1364 n.

jurisdiction of action against municipality by reason of diverse citizenship, 1610 n.

in respect to state or municipal offices, 379 n., 1572.

to restrain wrongful removal of officers, 1572.

when ordinance not passed in compliance with statute, 582 n.

to enjoin enforcement of ordinance regulating automobiles, 714 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# FEDERAL COURTS — *continued*.

- jurisdiction of suit to enjoin unreasonable rate for public service, 1328.
  - of taxpayers' action, 1585 n.
- removal of eminent domain proceedings, 1013 n.
- remedies of bondholders in, 1514.
- jurisdiction of actions on bonds, 879 n.
  - by assignee of municipal bond, 879 n., 1610 n.
  - to restrain issue of municipal bonds, 1584 n.
- course of decision as to municipal bonds, 886, 897.
- decisions of State courts in actions on bonds as precedents, 898.
- rule when decisions of State courts are conflicting, 899.
- leading cases reviewed, 336.
- decisions in railway bond cases, 886-958. (See MUNICIPAL BONDS.)
- doctrine as to incidental power to borrow money, 283-288.
- rule as to damages for change of grade of streets, 1677 n.
- enforcement of warrants by *mandamus* in, 1525.
- rights of creditors on dissolution of municipal corporation, 336.
- mandamus* to Federal officer in Federal court, 1490.
  - may issue from Federal courts to State officers, 1518, 1519.
  - in Federal courts to enforce collection of judgments on bonds, 897.
  - course of procedure to enforce levy of tax, 1514. (See MANDAMUS.)
  - principle established in Boutwell's case, 1519.
    - not applicable to corporate duties, 1521.
- appointment of special commissioner to collect taxes, 1519.
- quo warranto* proceeding may be removed to, 1567.

FEE. (See ABUTTER; DEDICATION; EASEMENT; EMINENT DOMAIN; STREETS.)

# FELLOW SERVANT,

- applicability of doctrine to employees of city, 1647 n., 1655 n., 1665 n., 1717 n.

# FEMALES,

- prohibiting employment of, in liquor saloons, 674.

# FENCES,

- power to prohibit spite fences, 695.

# FERRIES,

- nature of ferry grant to a municipality, 275.
- such grants not ordinarily contracts, 111, 275.
- extent and construction of grants, 239 n., 275.
- may exist by prescription, 275 n.
- legislature may repeal franchise granted to municipality, 94 n., 111, 275.
- rights of municipality and extent of legislative control, 277 n.
- power of city to condemn lands beyond municipal limits, 1028 n.
- mandamus* to compel maintenance of, 1494, 1529.
- ownership of ferry franchise on division of town, 277 n.
- employment of counsel in ferry matters, implied power, 824 n.
- power of municipality to make exclusive grants, 275.
- sale or lease of ferry privileges, 277, 995 n.
- transportation by ferry may be interstate commerce, 275, 1359 n.
- liability of county for maintaining defective ferry-boat, 1688 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **FERRIES — *continued*.**

- taxation of ferry-boats, 1390 n., 1391.
- of ferry franchises, 1389.
- franchise not taxable when owned by city, 1396 n.
- taxation of land owned by city and used for ferry landing, 1396.
- license fees and taxes, 275 n., 276, 662 n.
- ferry right of riparian proprietor on dedicated front, 1098 n.
- lease of, by railroad, citizen cannot raise question of want of power to take, 1585 n.
- damages to ferry outside city because travel diverted by non-repair of street, 1711 n.

# **FERTILIZERS,**

- ordinance prohibiting storage within municipal limits, 629 n.
- license to manufacture, no defence to indictment for creating nuisance, 688 n.

# **FEUDAL SYSTEM,**

- effect on towns, 5.

# **FIERI FACIAS. (See EXECUTION.)**

- not appropriate to enforce judgment against municipality, 1507 n.

# **FIFTH AMENDMENT,**

- not intended as a restraint upon the State government, 1013.

# **FINES AND PENALTIES. (See also FORFEITURE; ORDINANCES.)**

- legislative control in respect to, 96.
- "municipal fine," construed, 610 n., 637 n.
- power to impose by ordinance, 608.
- implied power to annex fine or pecuniary penalty, 608, 610, 1162.
- fines appropriated to support of home for women, valid, 105 n.
- public corporation has no vested right to fines, 96 n.
- by-laws with penalties not properly penal statutes, 646 n.
- limitation of power under general welfare clause, 720.
- special assessments cannot be enforced by fines, 1379 n. (See TAXATION; SPECIAL ASSESSMENTS.)
- no penalty can be enforced for an illegal exaction, 610 n.
- must be imposed on person who violates by-law, 610 n.
- statutory regulation of fines under ordinances, 609.
- fines for purpose of raising revenue, 611 n.
- amount of fine, 609, 613, 615, 616, 755.
- amount must be reasonable, 610 n.
- sliding scale, 609 n.
- when uncertain in amount, ordinance held void, 636 n.
- charter penalties govern, 611, 612.
- penalty may be within fixed limits, 613.
- single offence cannot be made double, 614, 615.
- limitation of amount of penalty, 615, 616.
- power to fine does not include power to forfeit, 618, 623.
- power to enforce by imprisonment, 625.
- for permitting strays, 723.
- mode of collecting fines, 625.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## FINES AND PENALTIES — *continued*.

- actions to recover fines and penalties, 634, 636.
- charter mode of enforcement must be pursued, 636.
- remedy to prevent collection of fine for violation of ordinances, 611 n.
- nature of proceeding, civil or criminal, 636-638.
- requisites of complaints to enforce by-laws, 640-642.
- mode of procedure, defences, etc., 643.
- in what name enforced, 746, 753 n.
- ordinance imposing costs of prosecution in addition, held invalid, 647 n.
- commitment on verbal order of police magistrate for non-payment, void, 758 n.
- illegal fines, when recoverable back, 1616-1624.
- mandamus* to compel county board to refund fine, 1487 n.
- plea of *nul tiel* corporation not good in action to recover penalties, 66 n.

## FIRE,

### I. PREVENTION OF FIRES; FIRE DEPARTMENT,

- power of legislature to appoint fire commissioners, 101 n.
- of municipal corporation to make regulations for prevention of, 301, 303.
- to prevent, authorizes construction of water works, 1296 n.
- to extend fire protection beyond city limits, 1299 n.
- of municipal corporation to establish fire limits, 303, 727.
- construction of ordinances as to fire limits, 646 n.
- power of municipal corporation to prevent erection of wooden buildings, 303, 727.
- power to acquire lands for engine houses, 976 n.
- appropriation may be made to engine companies, 303.
- appropriation for purchase of fire engines, 303.
- bequest to purchase engine valid, 987 n.
- cisterns in public streets, 1156.
- erection of fire tower in public square, 1097 n.
- power to regulate mode of removal of ashes, 303.
- fire protection element of benefit in laying special assessment, 1440 n.
- exemption of firemen from poll tax, 1407.
- as to right of fireman to recover salary accruing after discharge, 1660 n.
- arrest of person refusing to obey order at a fire, 640 n.
- water rates for automatic sprinklers, 1318 n.
- power to assign fireman to theatre, 727 n.

### II. LIABILITY,

- liability for failure to enforce ordinance establishing fire-limits, 1629.
- demolition of houses to prevent spread, 301 n., 1632-1635.
- fact that building is insured does not affect recovery, 1633 n.
- evidence as to necessity for destruction of building, 1633 n.
- right of owner to interest on amount allowed, 1633 n.
- levy of tax to aid owners of destroyed buildings, 1351 n.
- liability of city or water company for property destroyed by fire, 727 n., 1340, 1629, 1660.
- direct contracts with water companies for fire protection, 1340.
- city not bound to provide and keep in repair public cisterns, 1660.
- city not liable for neglect to provide suitable apparatus, 1660.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**FIRE — *continued*.**

**II. LIABILITY — *continued*.**

municipality does not assume duty to furnish means of extinguishment, 303 n.

liability for fall of wall of burned building, 1627 n., 1705 n.

not liable to person injured in assisting to extinguish, 1628 n.

liability for negligence of firemen, 1660.

in admiralty for negligence of city fire boat, 993 n., 1644.

of city for building destroyed by sparks from engine, 1628.

whether firemen may recover for personal injuries, 1660 n., 1665 n., 1717 n.

liability of city to firemen injured by defective street, 1711 n.

of railroad company for collision with fire engine at grade crossing, 1660 n.

for negligence in maintaining fire hydrants in street, 1670 n.

for injuries during fire department parade, 1650 n.

ordinances regulating speed of vehicles not applicable, 1166 n.

**FIRE ESCAPES,**

obligation to construct, 698 n.

law regulating, not a local matter, 165.

**FIRE INSURANCE,**

power to insure public building, 976 n.

garnishment of insurance money after loss of public building by fire, 992 n.

**FIRE PROTECTION DISTRICTS,**

public or *quasi* corporations, 34 n.

power to supply water for municipal purposes and domestic use, 1296 n.

**FIREWORKS,**

displays of, in public streets, 1174.

liability for suspending ordinance forbidding, 1626 n.

for negligent discharge of fireworks, 1674 n.

for displays of fireworks in streets, 1703.

for discharge of cannon in city street, 1627 n., 1650.

for injuries to person aiding in extinguishing fire in fireworks factory, 1628 n.

**FISHERIES,**

power to regulate, 596.

**FIXTURES,**

compensation for, as part of lands taken, 1060 n.

**FLAG,**

bequest to town for display of flags, 988 n.

**FORECLOSURE,**

of mortgage on city property, 996.

**FOREIGN CORPORATIONS,**

delegation of power of eminent domain to, 1304 n.

statutes prohibiting removal of actions to Federal courts, 1364 n.

taxation of, 737 n., 1364, 1368, 1391, 1393 n.

what constitutes doing business within State, 1364 n.

taxation of, under New York statute, 1364 n.

power of city to contract for water supply with, 1212 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**FORFEITURES.** (See also **FINES AND PENALTIES.**)

**I. FOR VIOLATIONS OF ORDINANCES, ETC.,**

- special provisions for, for use of municipality not a contract, 96.
- power to impose by ordinance, 608.
- power of forfeiture must be expressly conferred, 617, 711, 1417.
- of bread illegally baked, 711.
- ordinance takes effect whether owner a resident or not, 620 n., 623 n.
- of animals at large, notice, procedure, 620-623.
- power to fine does not include power to forfeit, 618, 623 n.
- when judicial procedure necessary, 619-623.
- no relief in equity against valid forfeiture, 624, 997.

**II. FOR BREACH OF FRANCHISE OR CONTRACT, ETC.,**

- of charter or franchises, 330, 333, 1558, 1574.
- of offices, 1550, 1559. (See **OFFICE AND OFFICER.**)
- of office on conviction of offence, 467.
- of license to sell liquor, 618.
- of leases of corporate property, 997.
- of franchises in streets for breach of conditions, 1231, 1311.
- for breach of conditions subsequent in deeds, 979.

**FORGERY,**

- warrants may be subject of, 864.
- rights of holder of forged bond, 960.

**FOUNDINGS,**

- devise in trust to establish hospital, 988 n.

**FOUNTAINS,**

- erection of, a municipal purpose, 981 n.

**FOURTEENTH AMENDMENT.** (See also **FEDERAL CONSTITUTION.**)

- effect on power of legislature to grant monopolies, 261 n., 668 n.
- limitation on power of eminent domain of States, 1013.
- how far abutters' easements in streets are protected by, 1127.
- limitations of police power and regulations by, 301, 302.
- ordinances establishing fire limits, 727 n.
- validity of special assessments, 1432.
  - in proportion to frontage, 1436.
- ordinances in violation of, 589 n.
- liquor license ordinances, 668 n., 673.
- right to jury trial in prosecution for violation of ordinance, 750.
- commitment to workhouse without trial, 722 n.
- summary convictions in municipal courts, 750.

**FOURTH OF JULY,**

- power to provide celebration, 238 n., 241, 309.
- bequest to town for display of flags, 988 n.
- contract with member of council, 772 n.

**FRANCE,**

- historical view of cities in, 7.
- political condition of the people of, 16.

**FRANCHISES.** (See also **CONSTITUTIONAL PROVISIONS; LEGISLATURE; STREET FRANCHISES.**)

- defined, 1210.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# FRANCHISES — *continued.*

- essential elements, 1210.
- franchise and license distinguished, 1210 n.
- of a corporation subject to legislative control, 111 n.
- surrender of, 330, 332.
- forfeiture for neglect or misconduct of officers, 330.
- no forfeiture of municipal franchises in this country, 1558.
- remedy for usurpation of, 1550.
- municipality cannot confer corporate franchises, 1277.
- quo warranto* against usurpation, 1552.
- organic limitations on power to grant, 19.
- grants to corporations and individuals for public utilities, 1304.
- grants of, in streets, etc., 19.
- legislature may grant in city streets without consent of municipality, 1222.
- ordinances granting, are "by-laws of permanent nature," 576 n.
- grants of, to be construed strictly, 1233.
- grants of, are subject to withdrawal or resumption by grantor for cause, 1311.
- in streets, subject to paramount duty to maintain and improve streets, 1271.
- rights granted are subject to police power, 1269.
- conditions attached to grants of, 1304.
- duration, rights in perpetuity, 1265.
  - term limited by corporate life of grantee, 1268.
  - term limited by life of municipality, 1267.
  - right in street limited by life of public easement, 1266.
- rights of city and public service corporation at expiration of franchise, 1315.
- taxpayers' actions to restrain grants of street franchises, 1585 n.
- franchise of corporation under its charter is a property right, 112 n.
- street-railroad franchise not a mere license, 112 n.
- when grants are to be deemed contracts, 111 n., 1210 n., 1214, 1218 n., 1220 n., 1229 n., 1306.
- enjoining enforcement of ordinances affecting or impairing, 650 n.
- effect of repeal of ordinance granting after acceptance, 584 n.
- construction of constitutional prohibition of exclusive privileges, 1217 n.
- when grant is not exclusive, 1219.
- simple grant is not exclusive, 1308.
- exclusive franchise and contract rights of water companies; rule in Pennsylvania, 1309.
- exclusive grants of ferry franchises, 275.
- exclusive grants as contracts, 113 n., 1212 n.
- exclusive privilege is held subject to police power, 1218 n.
- exclusive right cannot be granted by city without express legislative authority, 1215-1218.
- taxation of, 1621 n.

# FRAUD. (See also DECEIT; EQUITY.)

- in contracting with municipality, 778.
- pecuniary interest of officer in contracts with municipalities, 772, 773.
- combinations among bidders, 781.
- attacking validity of ordinance for, 580, 778.
- taking advantage of ignorance or carelessness of municipal officers, 779.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**FRAUD — *continued*.**

- misrepresentations by municipal officers, 780.
  - as to statutory powers, 777 n.
- as defence in action on warrant, 857.
- sufficiency of evidence to establish, 785 n., 822 n.
- effect of fraudulent antedating of bonds, 947.
- defence of, to bonds, *onus* to prove ownership for value, 959 n.
- failure of municipality to disaffirm contract for fraud, 778.
- audit and part payment of claim as estoppel, 778.
- liability of officer for, 287 n.
- liability of members for scheme to defraud corporation, 1575 n.

**FRAUDS, STATUTE OF,**

- contracts with water company for fire protection, 1299 n., 1340 n.

**FREE-HOLDERS' CHARTERS,**

- constitutional provisions authorizing cities to frame their charters, 63.
- conflict with general laws in Missouri, 236.
- statute requiring mayor's approval of resolutions, not applicable, 578 n.
- contractor's bond to secure payment of laborers, etc., 830 n.
- provision for appointment and removal of superintendent of streets, 466 n.
- provisions for punishment of crimes and misdemeanors, 573 n.
- exercise of power of eminent domain for opening streets, 1024 n.
- opening and widening streets a municipal affair, 1142 n.
- provisions requiring notice of claim before suit, 1613 n.
- creation of special taxing commissions by, 1374 n.
- provision for taxing occupations and businesses, 1410 n.
- provision for constructing and operating street railroad, 1294 n.
- power to provide for regulating rates for telephone service, 1325 n.

**FRONT FOOT RULE,**

- special assessments based on; Fourteenth Amendment, 1436.
- special assessments in proportion to frontage; validity under State law, 1437.
- special taxation in proportion to frontage; Illinois, 1439.
- sewer assessments, proportion to frontage; area, 1459.
- construction of word "fronting," 1437 n.
- corner lots, 1437 n.

**FRUIT STANDS,**

- maintenance of, in public streets, 1177.

**FUEL,**

- municipality cannot trade in, 1292.
- construction in streets of gas pipes to supply fuel, 1298 n.

**FUNDS, CORPORATE,**

- legislative control over, 104 n., 105, 111 n.
- as between State and municipality, exclusively the property of the corporation, 111 n.
- city may be required to refund money misappropriated by officers, 125.
- action by attorney-general to recover money fraudulently taken from municipality, 111 n., 1578.
- as to liability for misapplication of, 396, 433.
- misappropriation of, restrained, 1575, 1579-1587
- claims payable out of particular fund, 860.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1650-1747]

## GAMING AND GAMBLING HOUSES,

- power to suppress, etc., 632 n., 688 n., 730.
- to prohibit gambling tables in saloons, 674.
- to enact ordinances as to, 632 n., 729 n., 753.
- to remove officer for crime of gambling, 469.
- ordinance prohibiting the visiting of, 729 n., 753 n.

## GARBAGE,

- regulating removal and disposal of, 577 n., 678.
- power of municipality to construct crematory, 678 n.
- contracts for patented crematories, 803 n.
- liability for negligent acts of officers and agents, 1662.

## GARNISHMENT,

- against municipalities and municipal officers, 249.
- of official salary, 428.
- of insurance money after loss of public building by fire, 992 n.

## G. A. R. POSTS,

- power of town to erect building for, 997 n.

## GAS AND GAS COMPANIES. (See also FRANCHISES; LIGHTING; PUBLIC UTILITIES.)

- franchises in streets. (See also STREET FRANCHISES.)

### I. MUNICIPAL WORKS,

- nature of power to light city, 1214, 1296, 1297, 1298, 1303.
- city's ownership of works is in its private character, 119 n., 1303.
- charter may confer authority to supply gas, 1296.
- special limitations on indebtedness for, 214.
- pledge of works and revenue to secure lenders, 817.
- right to disturb street railway track in repairing pipes, 1236 n., 1237 n.
- liability for negligence in constructing and maintaining works, 1670.
  - for negligence in laying pipes in street, 1666 n.
  - for explosion from escaping gas, 1673 n.
- city as owner of gas-works may be liable for negligence, 1303, 1631, 1664 n., 1668 n., 1670, 1673 n.
- iron gas box in sidewalk may be actionable defect, 1698 n.
- purchase of works of company by city, 1312.
- acquisition of works by power of eminent domain, 1313.

### II. CONTRACTS BY CITIES FOR SUPPLY OF GAS,

- city may contract for lighting streets, etc., 771 n., 1215, 1302.
- contract for, as affected by limitation of indebtedness, 196.
- validity of lighting contract, 816.
- term of contract, 1307.
- exclusive contract rights, 1308, 1309.
- implied liability of city for gas supplied, 795 n.
- liability of city for light furnished; implied contract, 1338.
- implied obligation to pay for gas for entire year, 819 n.
- ultra vires*; executed and executory provisions, 1339.

### III. RIGHTS AND FRANCHISES OF GAS COMPANIES,

- what powers may be granted to gas companies, 1215, 1219.
- legislature may confer franchise without compensation to municipality, 1214 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**GAS AND GAS COMPANIES — *continued*.**

**III. RIGHTS AND FRANCHISES OF GAS COMPANIES — *continued*.**

- grants of franchises to corporations and individuals, 1304.
- when popular vote a condition precedent to franchise, 1304.
- sale of franchises to highest bidder, 1305.
- franchise rights are contracts which cannot be impaired, 111 n., 113 n., 1210 n., 1214, 1218 n., 1220 n., 1229 n., 1306.
- reservation in franchise grant of right to regulate rate, 1304 n.
- grant of franchise to use streets for gas pipes, 1214.
- legislative grant of right to use streets without consent of municipality, 1222.
- right to use city streets under California constitution, 1304 n.
- legislative authority to lay natural gas pipes in streets, 1222 n.
- lamp posts and mains not additional servitude in street, 1213.
- pipes may be laid under sidewalk without liability to abutter, 1213 n.
- distinction between urban streets and rural ways for lighting purposes, 1213.
- use of streets for supplying light to private persons, 1213.
- liability to abutter for destruction of shade trees, 1126.
- pipes in streets are subject to municipal duty to improve streets, 1271 n.
- reasonableness of ordinance regulating opening streets, 590.
- changing location of pipes by direction of city, 1217 n.
- quo warranto* to test right of company to lay pipes, 1559 n.
- long user of streets no bar to inquiry into the rightfulness of use, 1188 n.
- power of town to enjoin company from using streets, 1573 n.
- constitutional requirement of consent of municipality to use of streets, 1223-1231.
- necessity of consent of municipality under statute, 1214 n.
- municipal consent; stipulation that city may purchase works and plant, 1230 n.
- conditions attached to grants of franchises, 1304.
- incidental power to construct telegraph or telephone line, 1304 n.
- agreements by municipality to satisfy or pay taxes on works of company, 1310.
- as to exclusive right to furnish city with gas, 806, 1215-1219.
- power of city to grant exclusive franchise or contract right, 1215-1218, 1308.
- when grant is not exclusive, 1219.
- grant of franchise not exclusive in absence of express stipulation, 1308.
- when power to give exclusive right incidental to contract for light, 1308.
- exclusive grant of right to supply gas subject to police power, 1214.
- contract rights in exclusive grants, 111 n., 113 n., 1214 n., 1218 n.
- contesting validity of ordinance giving exclusive privileges, 1215 n.
- enforcing compliance with conditions of franchises, 1311.
- breach of condition of franchise by company; forfeiture, 1311.
- purchase of works of company by city, 1312.
- assignment by city of reserved right to purchase company's works, 1312 n.
- acquisition of works of company by eminent domain, 1217 n., 1313, 1314.
- rights of municipality and grantee at expiration of franchise, 1315.
- taxation of gas companies and franchises, 1392.
- liability of sewer contractor for damages to gas pipes, 1243 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **GAS AND GAS COMPANIES — *continued*.**

## **III. RIGHTS AND FRANCHISES OF GAS COMPANIES — *continued*.**

ordinances fixing limits within which gas works may be erected, 1269 n.  
street franchises; rental charges; charges for inspection and supervision, 1275.

whether gas-works may be treated as nuisance, 684 n.

## **IV. CONSUMERS; REGULATION OF RATES,**

duty to furnish supply, 1217 n., 1317, 1631.

remedies for refusal to furnish supply, 1317, 1631.

rules and regulations, 1319.

meters, 1320.

rates must be reasonable, 1318.

failure to pay for service, 1321.

legislative regulation of rates, 1324.

stipulations as to rates in ordinances and contracts, 1326.

suit by city to enjoin excessive charge to citizens, 1326 n.

regulation of rates; delegation of power to municipality, 1325.

power is continuing in its nature, 1326.

power to fix rate for definite period, 1326.

province of court, 1327.

right of company to reasonable rate, 1327.

remedy in equity against unreasonable regulation, 1328.

power of judiciary to fix or prescribe rates, 1329.

what are reasonable rates? general considerations, 1330.

elements of value; property and franchises, 1331.

cost of construction, 1332.

cost of reproduction of works, 1333.

risks and incidents of business, 1334.

value of property; capitalization and bonded indebtedness, 1335.

cost of operation; maintenance and depreciation, 1336.

net profit or return to corporation, 1337.

gas in pipes and mains may be subject of larceny, 1322 n.

agreements between companies for division of new territory, 1317 n.

## **GATES,**

opening upon way or street, usage, 1183.

prohibiting gates swinging outwardly over street, 712 n.

## **GENERAL LAWS. (See also SPECIAL ACTS.)**

defined, 142.

constitutional provisions respecting, 70, 175.

distinction between general and special legislation, 70 n.

abolishment of special charters by, 61.

summary of general acts of certain States, 61 n.

do not violate constitutional provisions against special legislation, 61.

presumption that city is incorporated under, 231 n.

creation of corporations by, 70.

when controlled by special legislation, 235, 236, 1396.

construction of general law and special charter provisions, 1140, 1404-1406.

act exempting particular cases from operation of, unconstitutional, 71 n.

for legislature to determine when general law can be made applicable, 175.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**GENERAL LAWS—*continued*.**

- repeal by implication, 234-236. (See REPEAL.)
- doubtful words, how construed, 241 n.
- cannot be enlarged or changed by ordinance, 587.
- effect of, respecting the liquor trade, 669, 670.
- distinction between by-laws and, 630.
- conflict between general laws and by-laws, 631.
- whether punishment may be prescribed by ordinance for offence punishable under, 632.
- ordinance licensing occupation which is illegal and criminal under, 630 n.

**GENERAL WELFARE CLAUSE. (See CRIMINAL OFFENCES; MUNICIPAL COURTS.)**

- in charters, what may be done under, 713-729.
- can confer no authority to enlarge or abrogate special limitations, 585, 586.
- authority for ordinance providing for removal of officer, 464 n.
- power to impose fine for refusal to serve in office, 415.
- when by-law not sustainable under, 586 n.
- does not give authority to pass unreasonable ordinances, 589 n.
- ordinances in respect to offences punishable under general laws, 632 n.
- prevention of cruelty to animals under, 726 n., 729 n.
- power to license sale of liquor under, 670, 671.
- regulation of liquor saloons, etc., under, 672.
- power over markets under, 703.
- limitation of police power under, 720.
- suppression of gaming and gambling houses under, 730.
- Sabbath observance ordinances, 719.
- police ordinances under, 718.
- ordinances to prevent destruction of trees, 721.
- city may regulate mode of keeping and sale of gunpowder, 726.
- does not confer power to levy taxes, 596 n., 725, 1378.

**GIFTS,**

- to corporations upon charitable trusts valid, 981-987.

**GIRARD'S WILL. (See TRUSTEES AND TRUST PROPERTY.)**

- devise in trust for educational purposes, 983.
- legislative power over, 131, 982 n.
- effect of repeal of charter of city and new organization, 338 n.

**GLASS,**

- in public place, nuisance, 684 n.

**GOLD COIN,**

- payment of bonds in, 892.

**GOOD ORDER,**

- power of municipality to maintain, 586 n., 718-721, 725, 729.
- to destroy intoxicating liquor, 771 n.

**GOVERNMENTAL INSTRUMENTALITIES,**

- use of, in private service, 771 n.
- not taxable, 1398.

**GOVERNOR,**

- as head of executive department is a corporation sole, 43 n.
- when *mandamus* lies against, 1491.
- injunction against granting commission to officer improperly elected, 1552 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**GRADE AND CHANGE OF GRADE.** (See also **STREETS.**)

- consequential damages; grades and changes of grades, 1676-1678.
- consequential damages not a "taking" of property; special remedy, 1680-1683.
- term "injuriously affected" construed, 1679 n.
- change of grade; elevated viaducts, bridge approaches, 1678.
  - remedy of abutter by injunction, 1682.
- special remedy for change exclusive, 1681.
- no liability for indirect injury to trade, 1680 n.
- malice or oppression in exercising municipal power, 1679 n.
- municipal power to enlarge liability by ordinance, 1677 n.

**GRAIN,**

- inspection of, 709 n.
- city may require it to be weighed by public weigh-master, 710.
- construction of statute as to mode of measuring, 710.

**GRANTS.** (See **CHARTER**; **CONVEYANCE**; **CONSTITUTIONAL PROVISIONS**; **DEED**; **FRANCHISES**; **PROPERTY.**)

- of powers to municipalities, under legislative control, 90.
- under ancient charters of the city of New York, 111.
- effect of dissolution of corporation on valid municipal grants, 112.
- dedication and grant distinguished, 1070 n.
- of lands under water, 264 n., 266 n., 267 n.
- of property to unincorporated communities, 974.
- to and for the benefit of a municipality, 981.
- power of corporation to take and hold in trust, 982.
- for objects foreign to corporate purposes, 989.
- for specified purpose, use of portion of land for other purposes, 977 n., 991 n.
- legislature cannot make grants in restraint of right of eminent domain, 1038 n.
- definite and certain grantee necessary at common law, 974, 1070.
- for specific and limited purpose, legislature cannot authorize sale, 1103.

**GRATUITY,**

- power to grant to municipal officers, 430 n.

**GRAVEYARD.** (See **BURIALS**; **CEMETERIES.**)

**GREAT BRITAIN,**

- municipalities in, 10.

**GRECIAN CITIES,**

- historical view, 2.

**GRIST-MILL,**

- water-power for public grist-mill an "internal improvement," 884 n.
- but steam grist-mill is not, 884 n.

**GROCERS,**

- power to license must be plainly conferred, 667.

**GUARANTEE.** (See **SURETYSHIP.**)

- contracts of suretyship, 814.
- power to guarantee bonds of railway company, 814.
- unauthorized, of railroad bonds, 792.
- by city of bonds of electric lighting company, 1296 n., 1302 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**GUARANTEE** — *continued*.

- verbal promise of mayor to pay for material, 814 n.
- recovery against guarantor of warrant, 854 n.
- implied, by city to contractor of sufficiency of abutters' consent, 827 n.
- by contractor of quality of work, 829.

**GUNPOWDER**,

- power to regulate keeping and sale of, 726.
- keeping of, in towns indictable at common law, 684 n.
- powder-house in city a nuisance, 684 n.

**GUTTERS.** (See **DRAINS**; **SEWERS**; **SPECIAL ASSESSMENTS**; **STREETS**; **TORTS**; **WATERS**.)

**HABEAS CORPUS**,

- by person detained for violation of void ordinance, 650 n.
- remedy against imprisonment under unreasonable ordinance, 589 n.

**HACKS.** (See also **STREETS**; **VEHICLES**.)

- ordinances regulating, 595, 1167 n.
- obstruction of streets by, 1169 n.
- maintenance of stands in public streets, 1167.

**HANDBILLS**,

- prohibiting distribution in streets, 712 n.

**HARBOR.** (See **WHARF**.)

- harbor regulations, when valid, 261 n.
- municipal regulations conflicting with federal law, 261 n.
- liability for failure to remove sunken wreck, 1626 n.
- grants of submerged lands to municipalities, 265.
- establishment of dock and harbor lines, 266, 1031 n.
- power of state to exact licenses for using, 271.
- liability for consequential damages resulting from improvement, 1675.
- special assessments for improving, 1440 n.
- quarantine regulations, 680.

**HATCHWAYS**,

- liability of abutter for injury from unsafe, 1725.

**HAWKERS.** (See **PEDDLERS**.)

- defined, 1356 n.
- power to regulate and license, 662 n., 663.
- prohibiting selling and vending in public streets, 712 n., 1166 n.
- taxation of; interstate commerce, 1356.
- prohibition of hawking meats; power to regulate markets, 705.

**HAY**,

- city may require hay to be weighed by public weigh-master, 710.
- removal of private hay-scales in street, 1161 n.

**HEALTH.** (See also **HOSPITALS**; **QUARANTINE**.)

- establishment of boards of health, 305, 1374 n.
- powers of boards of health, 305, 681 n.
- discretion of officers in execution of powers, 242 n.
- powers of boards of health, advisory, not legislative, 681 n.
- parol evidence of health orders, 681 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **HEALTH — *continued.***

- power of board of health to abate nuisance beyond town boundaries, 354 n., 684 n.
- rules and regulations of boards of health, 574.
- power to make regulations for preservation of, 301, 304, 305, 677.
- reasonable sanitary regulations are not in contravention of common right, 597.
- power to regulate trades and occupations, 666.
- regulations as to sale of meat, 661 n., 662 n., 705, 706 n., 709 n., 718 n., 1433 n.
- licensing dealers in meats, 665 n.
- prohibition of manufacture of soap and candles, 677 n.
- suppression of smoke nuisance, 694.
- power to regulate sale of milk, 677 n., 718 n.
- prohibiting trade in second hand clothing, 589 n., 666 n.
- limiting hours of employment in bakeries, 666 n.
- manufacture of cigars in tenement houses, 666 n.
- prohibiting sale of cigarettes, 665 n.
- regulation of tenement houses, 698.
- power to establish and regulate markets, 699-705.
- regulating keeping of hogs and swine, 693.
- regulation of stables, 692.
- regulation of slaughter houses, 691.
- quarantine regulations, 680, 681 n.
- power to prevent and abate nuisances, 584, 684-689, 1671 n.
- regulation of cemeteries and burials, 593, 682, 683.
- regulation of private hospitals, 681, 1661.
- removal and disposal of garbage and refuse matter, 678.
- removal and disposal of carcasses of animals, 679.
- practicing medicine after conviction of felony, 666 n.
- prohibition of boating on lake forming source of water supply, 1316 n.
- construction of sewers in streets terminating in water, 268 n.
- city may require lands to be raised and drained, 1023, 1034.
- wells in streets may be filled up as a sanitary measure, 1156 n.
- liability to indictment for neglect of duty with respect to, 1599.
- liability to indictment for neglect of duty as to free public wells, 1672.
- contracts having reference to preservation of public health, 304 n.
- complaint for violation of health ordinance, 640 n.
- liability of city for sickness and disease resulting from defective sewer, 1744.
- statutory obligation of city to purify sewage before discharge, 1740 n.
- liability for negligence and torts of health officers, 1650 n., 1655 n., 1661.
- liability; street cleaning; removal of ashes and garbage, 1662.
- uncommunicated knowledge of health department held not imputable to city, 1672 n.

# **HEIGHT,**

- regulation of height of buildings, 696.
- restricting height of signs and billboards, 697.

# **HIGHEST BIDDER. (See also LOWEST BIDDER.)**

- sale or lease of property to, 801, 995.
- sale of franchises of public utilities, 801 n., 1229 n., 1305.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**HIGHEST BIDDER** — *continued*.

when sale of franchise for cash implied, 1305.

sale of bonds to highest bidder, 895.

ordinance prohibiting auctioneers to make sales except to, 589 n.

**HIGHWAYS.** (See **DEDICATION**; **EMINENT DOMAIN**; **RAILROADS**; **STREETS**.)

legislative power over, 1121 n.

control of, within municipal limits, 1138, 1139, 1140, 1141.

when term "highway" includes "streets," 1121.

streets not included in prohibition of special laws relating to highways, 174.

within corporate limits distinguished from streets, 1138-1141.

establishment by prescription, 1080 n.

statutes declaring user sufficient to create, 1080.

property may be condemned for public streets and ways, 1031, 1035 n., 1038.

through cemeteries, 682 n.

power to lay out within limits of public square, 1097.

when middle of road is dividing line of towns, 354 n.

dedication and establishment of, 1091 n., 1092.

dedication of ordinary highways gives easement of passage only, 1072 n.

long user of ground as highway by public, 1080 n.

construction of Canadian Act vesting highways in municipality, 1133 n.

in country and streets in town, difference as to uses, 1154.

construction of water pipes and mains in, 1212 n.

as to right to lay down gas-pipes and water-pipes in, 1212 n., 1214 n.

telegraph and telephone poles in, 1220.

power of railway to occupy highway longitudinally, 1020, 1233, 1234 n.

legislative sanction necessary to authorize railways in, 1222, 1237.

power of another municipality to use highways for water mains, 1299 n.

consent of local authorities to construction of railways in, 1226-1231.

statutory provisions giving effect to adverse possession, 1193.

special assessments for opening country roads, 1440 n.

road taxes and compulsory street labor, 1140, 1395, 1407.

statutory exemption from road labor, 1407 n.

indictment for neglect to perform road labor, 1407 n.

duty to keep highways in repair, 121.

obligation of municipality to repair after acceptance of dedication, 1087.

devise of property to be used in repairing, 987 n.

removal of soil from one highway to another, 1149.

public nuisances in, right of adjoining owner to damages, 684 n.

lease by city of exclusive use of part of highway, 997 n.

*mandamus* to compel repair, 1485, n.

lies to compel railroad to restore, 1599 n.

individual liability of officers for failure to repair, 438.

liability of highway commissioners in New York, 438 n.

indictment for non-repair, 1597-1599.

civil liability for unsafe highways and streets, 1687 *et seq.* (See also **STREETS**.)

liability for wrongful acts of highway officers, 1664.

limited liability of counties, 1640, 1655 n., 1688.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**HIGHWAYS — *continued*.**

- limited liability of New England towns, 1639, 1688, 1691.
- statutory liability of New England town for defective highway, 1641.
- consequential damages; liability for grades and changes of grades under constitutional provisions, 1684-1686.

**HISTORICAL VIEW,**

- of towns and cities; introductory, 1-27.

**HITCHING POSTS,**

- city is not bound to provide, 1696 n.
- erection by abutters, 1181.

**HOGS AND SWINE,**

- regulating the keeping of, 684 n., 693.

**HOISTWAYS,**

- regulation of, in buildings, 728.

**HOLDING OVER,**

- right of officer to hold over, 409-413, 1495, 1496, 1536 n.
- English statutes and decisions, 409, 410.
- American doctrine, 411-413.
- right as against the State, 413.
- compensation of officer holding over, 421 n.

**HOLIDAYS,**

- celebrations in public streets, 1174.
- liability for negligence in celebration of, 1647 n., 1674 n.

**HOME FOR AGED,**

- devise to provide home, 988 n.

**HOMESTEAD,**

- dedication of homestead lands, 1078, n.

**HORSE. (See ANIMALS.)****HORSE-RACING,**

- not bound to keep streets in condition for horse-racing, 1706.
- municipal liability for permitting in streets, 1627 n., 1703 n.
- liability for defective street to person injured while racing, 1691 n.
- power to lease park lands for, 997 n.

**HORSE RAILWAYS. (See RAILROADS; STREETS; STREET RAILWAYS.)****HORSESHOEING,**

- registration of persons engaged in, 666 n.

**HOSPITALS. (See HEALTH; ORDINANCES.)**

- power of city to establish, 681 n.
- power to acquire sites, 976 n.
- devise in will for erection and support of hospital, 987.
- grant of permission to individuals to erect private, 593 n.
- grant by city of site for nominal consideration, 991 n.
- consequential damages to neighboring property by establishment, 1014.
- damage to property by establishment of small-pox hospital, 1018 n.
- purchase of extra-territorial lands for pest-house, 978, 1651 n.
- regulation of private hospitals, 681.
- a local institution for purposes of taxation, 1367 n.
- liability of city for negligence of officers or agents, 1661.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**HOSPITALS** — *continued*.

- liability of incorporated hospital societies for injuries to inmates, 1661 n.
- applicability to ambulances of ordinances limiting speed of vehicles, 1166 n.
- liability for damages for erecting a pest-house, 684 n., 1651 n.

**HOTELS,**

- keeping hacks in street for convenience of guests, 1167.
- lease of park lands for hotel purposes, 997 n.
- water rates for boarding houses, hotels and dwelling houses, 1317 n.

**HOUSES OF ILL-FAME.** (See also **BAWDY HOUSES**; **ORDINANCES**.)

- suppression of, 686.

**HUCKSTER,**

- defined, 587 n.
- power to license, 663 n., 667.

**HYDROPHOBIA,**

- prevention of, 724 n.

**ICE.** (See **SNOW AND ICE**; **STREETS**.)

**ILLEGAL CONTRACTS,**

- not binding, 777. (See **CONTRACTS**; **ULTRA VIRES**.)

**ILL-FAME, HOUSES OF.** (See **BAWDY HOUSES**.)

**ILLITERACY,**

- as cause for removal from office, 477 n.

**IMPEACHMENT.** (See **OFFICE AND OFFICER**; **REMOVAL FROM OFFICE**.)

**IMPAIRING OBLIGATION OF CONTRACTS.** (See also **CONSTITUTIONAL LAW**; **FEDERAL CONSTITUTION**.)

- repeal of ordinances granting franchises, 584 n.
- liquor licenses not contracts, 673 n.
- by directing market revenues appropriated to pay bonds, 784 n.
- taxing power to pay bonds cannot be repealed, 959 n.
- statute making warrants receivable for taxes and debt, 863.
- precedence in order of payments of warrants, 859.
- statutes prescribing interest rate on warrants, 867.

**IMPORTS,**

- taxation of, 1355.

**IMPOUNDING ANIMALS.** (See **ANIMALS**.)

**IMPRISONMENT,**

- power to enforce ordinances by, 625, 647 n.
- imprisonment for nonpayment of fine, 750 n.
- liability in actions for false imprisonment, 1650 n., 1652.

**IMPROVEMENT DISTRICTS,**

- corporate capacity of, 1366 n.
- not a municipal corporation in Arkansas, 34 n.

**IMPROVEMENTS.** (See **LOCAL IMPROVEMENTS**; **STREETS**; **SEWERS**; **SPECIAL ASSESSMENTS**.)

**INCOMPATIBLE OFFICE,**

- what is, and effect of taking, 417-419, 744.

**INCORPOREAL RIGHTS,**

- ownership on division of town, 360 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# INDECENT EXHIBITIONS AND EXPOSURES,

indictable offences, 686 n.

# INDEBTEDNESS. (See also CONTRACTS; LIMITATION OF INDEBTEDNESS; MUNICIPAL BONDS; WARRANTS.)

statutory provisions making warrants receivable for municipal debts, 863.

enforcement of warrants by *mandamus* in Federal court, 1525.

*mandamus*; enforcing taxing rights existing when debt created, 1512.

when creditor may enforce levy of tax without prior judgment, 1511.

*mandamus* by judgment creditor; effect of abrogation of statute authorizing issue, 1509.

*mandamus* to levy tax to pay debt, 1506, 1510.

when creditor required to recover judgment before applying for writ, 1507.

*mandamus*; special limitations of taxing power, 1508.

# INDEMNITY,

power to indemnify officers, 307, 308, 777 n., 824 n.

# INDICTMENT. (See CRIMINAL OFFENCES; JURY.)

of municipal corporations, 1157 n., 1597-1599.

remedy for municipal misfeasance, 1597, 1598.

for neglect of duty to repair streets, 1599.

to repair bridges, 1157 n., 1597-1600.

of municipality for depositing sewage in stream, 1316 n.

of public and corporate officers, 440 n., 1599.

removal of officer for offence does not preclude indictment, 467 n.

for failure to prevent and remove nuisances, 1599.

will lie for a public nuisance, 684 n., 688, 1130, 1131, 1189.

private structures on public square are indictable nuisances, 1097.

remedy of public for obstructing streets, 1080 n., 1082 n., 1087 n., 1130, 1131 n.

against town, estoppel to deny that road was legally laid out, 1598 n.

in case of unauthorized use of street by railroad company, 1244.

where railroad in street becomes a nuisance, 1168 n., 1272.

of railroad company for obstructing highway, 1598 n.

requisites of, for forgery of county warrants, 856 n.

indecent exhibitions and exposures, indictable, 686 n.

# INDIVIDUAL LIABILITY. (See also OFFICE AND OFFICER.)

for corporate debts, 992, 1239 n., 1506 n., 1507 n. (See NEW ENGLAND TOWNS.)

of officers for passing unauthorized ordinance, 429 n., 583.

for nonfeasance of public duty, 436, 437.

for failure to repair streets and highways, 438.

for acts discretionary or quasi-judicial in their nature, 439.

for negligent or tortious acts; misfeasance, 440.

for ministerial acts, 441.

for acts of subordinates; *respond at superior*, 442.

for making *ultra vires* contracts, 443.

for refusal to levy tax, 444.

# INDORSEMENT,

of municipal warrants, 858.

liability of indorsers of warrants, 858.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**INDUSTRIAL SCHOOL,**

liability for injuries to persons committed to, 1656 n.

**INFANTS,**

notice of claim and demand before suit, 1613.

**INFECTIOUS DISEASES.** (See also **HEALTH.**)

ordinance forbidding sale of cast-off clothing, 589 n.

**INFERIOR COURTS.** (See **MUNICIPAL COURTS.**)**INFORMATION.** (See **MANDAMUS; QUO WARRANTO.**)**INHABITANT,**

difference between ratepayer and inhabitant, 560 n.

**INHERITANCE TAX,**

bequest to city for library purposes exempt from, 1396 n.

**INITIATIVE AND REFERENDUM,**

validity of statute providing for, 1374 n.

**INJUNCTION.** (See **DELAY; EQUITY.**)

*mandamus* distinguished, 1482, 1485 n.

difference between prohibition and injunction, 1596.

whether several distinct owners may join in a suit, 1132 n., 1571 n.

discretionary power not ordinarily controlled by, 242, 818, 1515, 1570-1590.

to prevent illegal annexation of territory, 355 n.

equity will not enjoin holding of election, 374 n., 482 n., 517, 1552 n.

to restrain board of canvassers from canvassing returns, 379 n.

in case of conflicting councils and election contests, 382 n., 514, 517, 1501 n.

to restrain persons from exercising the functions of public officers, 379 n.

to prevent indemnification of officer, 307 n.

to prevent taking possession of office, 381 n.

officer cannot resort to equity to enjoin removal, 482 n., 1504 n.

in cases of nuisances, 685 n., 688 n., 1132, 1586.

plaintiff not entitled as matter of right to temporary injunction, 1579 n.

when proceedings under the right of eminent domain will be restrained,  
1047, 1049, 1051 n.

when the municipal corporation is in possession under alleged dedication,  
1073 n.

unauthorized and illegal acts, 1047, 1570-1590.

unauthorized use of streets and public places, 1130, 1131, 1132 n., 1133 n.

to prevent erection of buildings on public square, 1095 n.

owner of land fronting on park, right to maintain, 1095 n.

to prevent cutting down of shade-trees, 1134 n.

judgment in ejectment obtained against city, injunction, 1134 n.

to prevent council from enforcing illegal order to vacate street, 1160 n.

whether construction and operation of railroad in street may be enjoined,  
1251 n., 1229 n., 1244, 1238 n., 1232 n., 1264 n.

to restrain illegal taxes and assessments, 1401 n., 1577 n., 1584 n., 1586 n.

in municipal tax cases, when granted; plaintiffs, 1589, 1590.

effect of acquiescence and delay, 1590 n.

to restrain collection of taxes for payment of defective bonds, 959 n.

to prevent sale of property to pay unauthorized assessment, 1454 n.

will lie to prevent sale upon void precept, 1419 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**INJUNCTION** — *continued*.

- right of attorney-general to file bill against corporation and officers, 1574-1577.
- right of tax-payers to apply for, 1579-1587.
- effect of not resorting to *certiorari* on right to, 1592 n.
- to prevent erection of wooden building within fire limits, 727 n.
- effect of pending suit in equity on right to *mandamus*, 1485 n.
- failure to obey Federal court *mandamus*, when State court injunction not excuse, 1545.
- exercise of jurisdiction within another municipality restrained, 1571 n.
- in favor of individuals to prevent encroachment upon private property, 1573 n.
- not awarded if *mandamus* will lie to compel payment of indebtedness, 1570 n.
- to restrain illegal appropriation of money, 1579-1587.
- State cannot enjoin disbursement of money voluntarily paid under illegal assessment, 1621 n.
- to restrain grading of street until compensation is made, 1677 n.
- whether courts will interfere to prevent construction of sewers, 1739 n.
- against exceeding debt limit, 215.
- right of city to enjoin construction of street railway without its consent, 1226 n.
- by abutter against maintenance and operation of elevated railway, 1264.
- by abutter against unauthorized construction of railway, etc., in street, 1244.
- by grantee of franchise against unauthorized exercise of similar franchise, 1244.
- to restrain enforcement of wrongful revocation of license, 1630 n.
- suit by city to enjoin excessive charge by gas company to citizens, 1326 n.
- to restrain interference with supply of water or light, 1317.
- against enforcement of unreasonable rate for public service, 1328.
- against enforcement of ordinance, 612 n., 646, 650, 1573 n.
- to restrain mayor from signing ordinance, 578 n., 603 n.
- will not lie against holding of election, 1552 n.
- against enforcement of invalid ordinances, 582.
- no relief against valid forfeitures, 624.
- against violation of fire limit ordinance, 727.
- to restrain illegal issue of bonds, 904 n.
- to restrain unauthorized taking of land, 1047 n.
- jurisdiction of Federal courts of taxpayer's action to restrain issue of bonds, 1584 n.
- motives of plaintiff in taxpayer's action, 1584 n.
- against collecting taxes, 1579 n.
- to restrain enforcement of municipal ordinances, 612 n., 646, 1573 n.
- multiplicity of suits, 1573 n.
- contempt for disobedience of writ, 1571 n.
- to restrain change of grade of street, 1571 n.
- to restrain payment of salary to public officer, 1571 n.
- does not lie to restrain holding of election, 1571 n.
- against collection of illegal taxes, 1589, 1590.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### INJUNCTION — *continued*.

suits by taxpayers to restrain illegal and fraudulent acts, 1579-1587.  
suit by attorney-general to restrain unauthorized letting of contract, 1577.  
suits by attorney-general for fraudulent disposition of corporate property and funds, 1575-1578.  
remedies for fraudulent disposition of corporate property and funds, 1575.  
remedy when corporation is trustee of property or fund, 1574.  
remedies for corporate excess of power, 1573.  
motives of plaintiff in taxpayers action, 1585 n.  
Federal court has no jurisdiction to restrain wrongful removal of officers, 1572.  
*mandamus* and injunction distinguished, 1482.  
change of grade; remedy of abutter by injunction, 1682.  
not granted to recover possession of dedicated lands, 1073 n.  
to prevent misuser of dedicated lands, 1106.  
enjoining mayor from presiding at meeting, 514.  
when two conflicting corporate bodies act concurrently, 517.  
by abutters to prevent perversion of public park, 1097 n.  
against holding municipal elections, 375 n.  
remedy of public for obstructing streets, 1130.  
against payment of salary to incumbent of office, 429 n.  
taxpayer's action to enjoin issue of illegal warrants, 857.  
taxpayer's action relative to appointment and removal of officers, 489.  
will not lie to enjoin unlawful removal from office, 487 n.  
against street obstructions at instance of abutters, 1132.

### "INJURIOUSLY AFFECTED,"

construed in eminent domain and street grade cases, 1018 n., 1679 n.

### INSPECTION. (See RECORDS AND DOCUMENTS.)

who entitled to, and proceedings, 560.  
*mandamus* to enforce, of books and records, 560, 1505.  
motion for rule to inspect, what accompanying affidavits should show, 560.  
attachment, when officer disobeys rule to allow, 560.  
ordinances for inspection of commodities, 709.  
liability for negligence of inspector of steam boiler, 1647 n., 1656 n.  
liability for negligence of building department in approving plans, 1656 n.

### INSURANCE,

power to insure public buildings, 976 n.  
garnishment of insurance money after loss of public building by fire, 992 n.  
recovery by insurer against city for buildings destroyed to prevent spread of fire, 1633 n.

### INSURANCE COMPANIES,

taxation of, 1368, 1393 n.  
occupation taxes, 1410 n.  
license taxes on, in Louisiana, 1369 n.  
tax on gross premiums of foreign companies, 430 n.

### INTEGRAL PARTS,

in English municipal corporations, how constituted, 53, 1533.  
mayor an integral part, 53, 502, 512.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### INTEGRAL PARTS — *continued*.

- mayor's presence necessary to valid corporate action, 502.
- English rule that presence of all integral parts necessary to valid action, 531.
- English doctrine not applicable here, 512.
- direction of writ of *mandamus* where corporation consists of, 1533.
- dissolution by loss of integral part, 330.

### INTENT. (See DEDICATION.)

### INTEREST,

- on municipal indebtedness, 867, 1633 n.
- contract stipulations for payment of, 867.
- on compensation for lands taken, 1050 n.
- on past due coupons, 894.
- after maturity of improvement bonds payable from assessment only, 893 n.
- "par value" includes accrued interest to date of delivery, 895.
- on delinquent taxes, 1417 n.
- recovery by contractor for delay of city in collecting assessments, 827 n.
- on special assessments, 1468.
- on deferred instalments of special assessment, 1464 n.
- when to be included in relaying special assessment, 1469 n.
- liability of treasurer for interest received on public funds, 434 n.
- payment of interest on bonds as ground of estoppel, 946 n., 951, 954.
- judgment for, when a bar to subsequent suit, 871 n.
- publication that interest will cease on certain day not conclusive, 867 n.

### INTERNAL AFFAIRS,

- law creating city not regulation of, 162.
- act annexing territory not regulation of, 162.

### INTERNAL IMPROVEMENTS. (See BRIDGE; CHARTER; CONSTITUTIONAL LAW; CONTRACTS; RAILROADS.)

- what are, 881 n., 884, 885.
- issue of bonds for, 883.
- bridges, 885.

### INTERSTATE COMMERCE,

- defined, 1357 n.
- power of Congress to authorize bridge between two States, 1013 n.
- telegraph lines as instrumentality of, 1220.
- transportation of water to another State, 1295.
- police power cannot extend to regulation of, 302.
- ordinances regulating speed of trains, 716 n.
- law requiring use of stone cut within city, 118.
- natural gas may be subject of, 1357 n.
- taxation of; general principles, 1357.
  - property in transit, 1358.
  - intoxicating liquors, 1363.
  - express companies, 1360.
  - hawkers, peddlers, drummers and canvassers, 1356.
  - railroad companies, 1359.
  - sleeping car company, 1361.
  - telegraph companies, 1362.
- license tax on owners of tow-boats, 589 n.



[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**INTERURBAN STREET RAILWAYS,**

construction in streets; liability to abutters; additional servitude, 1258.

**INTOXICATING LIQUORS,**

power to license, regulate, and tax, 69 n., 105, 302 n., 396, 669-671, 1408 n.

power to prohibit sale, 575 n., 661 n., 669, 673.

power to regulate sale, 669, 674.

regulating hours of business, 674.

removal of screens from windows, 674.

power to license sale under general welfare clause, 586 n., 671.

regulation of saloons, etc., under general welfare clause, 672.

effect of general laws respecting liquor trade, 670.

power to prescribe qualifications of dealers, 675.

prohibiting females in saloons, 674.

Sunday closing ordinances, 665 n., 669 n., 719 n.

prohibitory laws valid, 301 n., 673.

power to ordain forfeiture of license to sell, 618.

power of city to order destruction of all liquor in city, 771 n.

charter provision that sale may be declared a nuisance, 671 n.

when law requires majority of citizens to petition for license, 671 n.

requiring druggists to furnish statements as to sale of, 589 n.

taxation of; interstate commerce, 1363.

taxation for maintenance of police force, 104 n.

license fees, 669 n., 676.

amount of license fees, 671.

presumption that amount of license tax reasonable, 671 n.

county may impose license tax as well as city, 669 n.

city cannot levy under good order clause, 725.

occupation tax in addition to license may be required, 1369 n.

license granted by *de facto* officer valid, 643 n.

license to sell not a contract, 618 n., 669 n.

effect of general laws respecting liquor trade, 670.

*mandamus* to compel issuance of license, 671 n., 1489 n.

to compel approval of liquor dealer's bond, 1489.

*quo warranto* to try right to sell, 1554 n.

to try right to levy license tax, 1559 n.

liability of city for unlawfully distilling spirits, 791 n., 1654.

**INTOXICATION,**

as cause for removal from office, 476 n., 477 n.

disorderly conduct, 729 n.

**INTRODUCTORY HISTORICAL VIEW, 1 *et seq.***

**INTRUDER.** (See Chap. XXX on *QUO WARRANTO*.)

liability of, to officer *de jure*, 429 n.

**INVENTIONS.** (See **PATENTS FOR INVENTIONS**.)

**IRON GRATINGS.** (See **SIDEWALKS; STREETS**.)

in sidewalks, usage, 1183.

liability of city where left in insecure condition, 1671 n.

injuries by reason of defects, liability of abutter, 1726.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**IRRIGATION,**

- irrigating canal, a work of public improvement, 883 n.
- acquisition of lands for, is a public purpose, 883 n., 1031 n.
- public purpose for purposes of taxation, 1351 n.

**IRRIGATION DISTRICTS,**

- public corporation in California, 34 n.
- validity of assessments, 1432 n.

**"ISSUED,"**

- when bonds are deemed to be, 902.
- when warrant is, 851 n.

**ITALIAN CITIES,**

- historical view, 6.

**JAIL. (See COUNTY; PRISON; PUBLIC BUILDINGS.)**

- liability of county for escape, 1640 n.

**JEOFAIL. (See AMENDMENT.)****JOINT ASSEMBLIES. (See MEETINGS.)**

- application of majority principle to, 531.
- effect of refusal of body to enter, 531 n.

**JOURNAL. (See MEETINGS; RECORDS AND DOCUMENTS.)****JUDGE,**

- in corporation court, 748.

**JUDGMENTS. (See FEDERAL COURTS; MANDAMUS.)**

- legislature cannot impair, 130.
- against city for work performed in improvement of street, 1466 n.
- conclusive effect of, 939 n.
  - as to validity of debt, 939.
  - against defence that debt exceeds limit, 208.
- on municipal bonds, conclusive effect, 938.
- by consent, declaring validity of bond; estoppel, 1610 n.
- effect of, in action on warrant, 854.
- in suit on coupons, 894.
- estoppel by former final judgment on demurrer, 907 n.
- effect of judgment in ejectment against municipal corporation, 1137.
- dedication, judgment in former suit, 1080 n.
- judgment on indictment for encroachment on street, 1130 n.
- in *mandamus*, and when binding, 1546.
- in *quo warranto*, 1566, 1567 n.
- effect of judgment of ouster in *quo warranto*, 1566.
- for sale of property to pay assessment under void ordinance, 540 n.
- purchase of judgment against creditor of city to be used as a set-off, 791 n.
- payment of, postponed to payment of necessary current expenses, 195.
- lien of, on corporate real estate, 992.
- mode of enforcement against municipalities, 248, 992, 993 n., 1507, 1519 n.
- sale of property of city on execution, 992.
- enforcement of, by *mandamus* and execution, 1435 n., 1483 n., 1506-1525.
- mandamus* to municipality in nature of execution, 1519.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### JUDGMENTS — *continued*.

- mandamus* to enforce collection of judgments on bonds, 897.
- when creditor required to recover judgment before applying for *mandamus*, 1507.
- remedy in Federal courts, 897, 1514, 1519, 1520.
- liability of property of individuals to sale on execution against municipality, 992, 1506 n., 1507 n., 1639 n.
- enforcing judgments against New England towns, 992, 1506 n., 1507 n., 1639 n.
- marshal cannot be appointed to levy and collect tax, 95.
- relief against fraudulent judgment, 1584.
- as to recovery back from city after payment on execution, 1618 n.
- city may compromise judgment in its favor, 821 n.

### JUDICIAL NOTICE. (See EVIDENCE.)

- of charters and incorporation under general laws, 231.
- ordinances not judicially noticed, 231, 639.
- geographical location of municipality, 231.
- of grade or classification of city, 231.
- population according to census, 231.
- of corporate name of city organized under general act, 347.

### JUNK SHOPS,

- defined, 667 n.
- power of municipality to license, 667 n.

### JURISDICTION. (See MUNICIPAL COURTS.)

- of council is confined to municipality, 573 n.
- of election contests, 379-382, 1495, 1496, 1553.
- of common-law courts as to election and motion of officers, 482 n.
- of local tribunals, 744, 751-756.
  - constitutional limitations on, 747.
- common-law doctrine in respect to municipal courts, 741.
- right of superior tribunals to review proceedings of inferior courts, 757.
- of United States Courts on ground of diverse citizenship, 1610 n.
- colorable transfer of bonds cannot give Federal courts jurisdiction, 879 n.
- of State courts of suits for wharfage, 267 n.
- of United States Circuit Courts in *mandamus*, 1518-1521.

### JURY. (See CRIMINAL OFFENCES; INDICTMENT; MUNICIPAL COURTS.)

- whether municipal corporations are entitled of right to jury trial, 110 n., 123 n., 749 n.
- extent of right of trial by jury at common law, 749 n.
- summary convictions, when valid, 637, 638, 749 n., 750. (See CONVICTION.)
- common-law doctrine in respect to qualifications of jurors, 741.
- citizens as jurors in municipal court, 748.
- as to qualification of jurors, 1043 n.
- jury trial for violations of ordinances, 749, 750.
- right to jury trial given by appeal, 749-756.
- trial by, of title to office, 377 n.
- right to trial by, in proceedings to condemn lands, 1054-1057.
- right to jury trial for violation of ordinance, 637.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LABORERS,**

statutory lien on contract price, 831.

**LACHES.** (See **DELAY.**)

in attacking validity of municipal bonds, 950, 951.

**LANDING.** (See **WHARVES.**)

dedication of property for, 1101.

**LANDLORD AND TENANT,**

power of city to contract as landlord or tenant, 997.

power of city to lease surplus space in public buildings, 997.

estoppel of tenant to deny city's title, 995.

liability for service of water or light, 1321.

obstruction of street by goods of dispossessed tenant, 1169 n.

taxation of improvements of lessee on land of municipality, 1375 n.

**LARCENY,**

rights of purchasers of stolen bonds, 960.

liability of treasurer for funds lost by, 434.

warrants may be subject of, 864.

water and gas in pipes and mains may be subject of, 1322 n.

**LATERAL SUPPORT OF SOIL,**

right of city to support of abutting soil to sustain street, 1153, 1679.

removal of lateral support of street by abutting owner, 1679.

right of abutter to support of soil of street, 1679.

**LAUNDRIES,**

ordinances regulating, 301 n., 589 n., 661 n., 726 n.

confining business to portion of city, 672.

discretionary power to grant or withhold licenses, 589 n., 661 n.

validity of inspection charges, 1369 n.

reasonable inspection fees, 678 n.

**LAVATORIES,**

power to construct beneath surface of streets, 1072 n.

**LAW DEPARTMENT.** (See **ATTORNEY-AT-LAW**; **CITY ATTORNEY.**)**LEASE.** (See also **LANDLORD AND TENANT.**)

power to lease ferries, 277.

right of citizen to question lease of ferry, 1585 n.

of corporate property, 277, 991 n., 997.

of municipal property to highest bidder, 995.

of wharves and docks, 270.

power to lease revenues of port, 1383 n.

of surplus space in public building, 997.

of municipal waterworks, 1301 n.

covenant by lessee to maintain municipal waterworks in repair, 997 n.

estoppel of lessee to deny title of corporation lessor, 997 n.

power to rent stalls in markets, 707 n.

power to farm out markets, 705 n.

as to necessity of corporate seal, 363 n.

liability of county on covenant for destruction of leased building, 997 n.

of railroad does not deprive lessor of power of eminent domain, 1259 n.

**LEGACIES.** (See **DEVISE**; **WILL.**)

to municipal corporations valid, 981.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747].

**LEGISLATURE; LEGISLATIVE POWER.** (See **CHARTERS; CONSTITUTIONAL LAW; CURATIVE ACTS; SPECIAL ACTS; STATUTES**).

**I. IN GENERAL,**

- organic limitations on legislative power, 19.
- scope of legislative authority, 96.
- legislative power not wholly unlimited, 108.
- acts of *de facto* legislature, 518 n.
- cannot delegate its law-making power, 69.
- meaning of term "two-thirds of each house," 72 n.
- act of, embracing more than one object, 75.
  - may be valid in part, 75 n.
- when legislative act becomes a contract, 91, 111.
- when legislative grants cannot be repealed, 111 n. (See **CONTRACTS; REPEAL**.)
- power to make contract precluding repeal, 245 n.
- whether one legislature can by contract bind a subsequent legislature, 245 n.
- motives of legislators not reviewable by courts, 580, 581 n.
- whether this doctrine is applicable to acts of municipal bodies, 580-583.
- may provide that statute shall cease to exist unless assented to within specified time, 69.
- can enact penal law to have effect only where adopted by vote, 69 n.
- for legislature to determine when general law can be applicable, 175.
- delegation of legislative and executive authority to judicial officers, 95.
- lobbying contracts invalid, 774.
- may validate previous corporate acts and by-laws, when, 127-129, 645, 948, 1160 n., 1745 n.

**II. CREATION AND CONTROL OF MUNICIPALITIES,**

- legislative sanction essential to corporate existence, 55.
- legislative recognition of corporate existence, 232.
- can compel acceptance of municipal charter, 69.
- form of grant to municipality does not affect legislative power, 93.
- power to delegate to judiciary authority to incorporate municipalities, 62.
- laws validating incorporation, 68.
- authority over municipal corporations, extent and limitations, 70, 90-131, 357.
  - leading cases on the subject reviewed, 111.
- legislative power over municipal charter, 106.
- legislative power to abolish and alter municipal corporations, 92, 106-108, 112, 230, 336, 355, 358.
- private trust does not affect power to alter or abolish municipality, 107.
- power to fix corporate boundaries, 352, 353.
  - as to division of towns, 107, 358.
  - to apportion debts and property on division of municipality, 360.
  - to compel performance of general public duty, 121.
- may prescribe remedy for destruction of property by mobs, 1636, 1637.
- may create and abolish municipal courts, 744.
- may invest municipality with power to abate nuisances summarily, 684 n.

**III. MUNICIPAL ORDINANCES AND BY-LAWS,**

- delegation of authority to enact ordinances, 573.
- may authorize adoption of unreasonable ordinances, 600.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LEGISLATURE ; LEGISLATIVE POWER — *continued*.**

**III. MUNICIPAL ORDINANCES AND BY-LAWS — *continued*.**

may provide that ordinances shall supersede State law within corporate limits, 587 n.

delegation of legislative power to boards of health and other administrative bodies, 574.

ratification of illegal ordinances, 645.

cannot by special act legalize ordinances, when, 589 n.

power of city to stipulate against further issues of bonds, 883.

as to police regulations, 302 n.

power in respect to fines and penalties, 96.

**IV. MUNICIPAL OFFICERS,**

legislative control over municipal offices and officers, 97-103, 304, 390, 421.

control of appointment and payment of police officers, 103, 104.

legislative control of compensation of municipal officers, 421.

control over right to pensions, 431.

legislative power to change trustees of library created by donation in trust, 982 n.

**V. MUNICIPAL CONTRACTS AND OBLIGATIONS,**

legislative power over contracts, 109, 113, 771 n., 791 n., 799 n.

power to make contracts binding upon the municipality, 115, 122.

compulsory legislation as to contracts, 118, 119, 120.

compulsory liabilities of cities; Philadelphia City Hall, 122.

control over judgments for or against municipality denied, 130.

can compel building of bridge, 121.

power to compel city to purchase works of public service corporation, 1312.

power to compel municipalities to create debts, 115-121, 949 n., 1372 n., 1487 n.

may require county to issue bonds to pay indebtedness, 121 n.

compelling repayment of moneys advanced without authority, 125.

power to authorize aid in the public defence, 312.

power to authorize aid to railway companies, 313 *et seq.*, 884 *et seq.*

defective subscriptions may be cured and bonds validated, 948.

cannot annul completed subscription to aid railways, 943, 944.

but may authorize withdrawal of subscription before completion, 321 n.

power to compel payment of claims not legally binding, 123.

nature of moral obligations which may be recognized, 126.

payment of debts not binding at law, 123-125.

power to compel payment of invalid bonds, 124.

legislative control over municipal funds and revenues, 94, 104, 105, 111 n.

cannot compel one municipality to contribute to payment of debts of another, 106 n.

constitutional rights of creditors cannot be impaired, 100, 110, 114, 1508, 1512-1515.

**VI. MUNICIPAL PROPERTY; EMINENT DOMAIN,**

public and private or proprietary rights distinguished, 109, 110.

power over public property of municipal corporations, 103-131, 1487 n.  
over their private property, 111, 112, 115.

power over public utilities owned by municipalities, 116.

control over public park, 117.

power in respect to wharves and wharfage, 111, 261, 266, 271.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LEGISLATURE ; LEGISLATIVE POWER — *continued*.**

**VI. MUNICIPAL PROPERTY; EMINENT DOMAIN — *continued*.**

power over property held in trust for specific uses, 131.

over property held for specific purposes not exclusively public, 132:  
legislative control over trust property, 131, 982. (See TRUSTEES.)

acts conferring public trusts upon municipal corporations are repealable,  
111, 982.

legislative power over property dedicated to public use, 1103, 1104.

is legislative grant of land in fee a contract as respects the State? 111.

legislative authority necessary to the taking of private property, 1024.

may authorize exercise of eminent domain in respect to supply of gas, 1214.

may delegate power of eminent domain to municipalities, 1038, 1039.

sole judge of necessity for exercise of power of eminent domain, 1023, 1036.

**VII. STREETS; FRANCHISE RIGHTS,**

authority over streets and their uses, 1122 *et seq.* (See STREETS.)

paramount control over streets, 1163.

right or privilege to use streets, 1164.

power to appropriate streets to private uses, 1176.

can repeal act legalizing encroachments on streets, 1129.

may give special remedy for damages from change of grade of street, 1151,  
1152.

power of, over gas companies, 93, 1214.

may authorize municipality to regulate price of water and light, 93, 1325.

may repeal municipal ferry franchise, 94 n., 111, 275.

grant of ferry franchise to municipality not in nature of contract, 111.

power to confer exclusive privileges, 112 n., 261 n., 668 n., 1215-1218. (See  
MONOPOLIES.)

authority of, how far a protection to railway company, 1247.

scope of power in respect to use of streets by railways, 115, 1222-1234,  
1237, 1259, 1277.

special constitutional limitations on power, 1223, 1225.

**VIII. TAXATION AND ASSESSMENT,**

legislative power over revenues, 105.

may determine what moneys shall be raised and expended and what taxa-  
tion imposed, 125 n.

power of, over the subject of taxation, 74, 1352, 1433 n. (See TAXATION.)

may exempt property from municipal taxation, 105 n.

power to change delegated revenue and taxing power, 114, 1381, 1382.

power to release specific class of taxpayers from payment of tax, 1382.

delegation of taxing power to municipalities, 1375, 1376, 1380.

levying taxes to pay creditors, 1506.

power over local assessments, 127, 1442.

can authorize a re-assessment, 1469. (See RE-ASSESSMENT; TAXATION.)

statutes authorizing repayment of taxes illegally collected, 1623 n.

power to ratify void local assessment, 127, 128.

as to control of funds not raised by taxation, 358 n.

**LEVEE,**

meaning of term, 262 n.

power of town to contract for construction, 324 n.

dedication of, for use as street, 1101 n.

dedication on recorded plat of land as a public levee, 1071 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LEVEE** — *continued*.

- assessment of tax for, 1433 n.
- taxation for, in Louisiana, 1369 n.
- liability for consequential damages, 1677.
- liability of municipality for damages by overflow, 1639 n.
- title to, in New Orleans, 1105 n.
- liability to sale on execution, 992 n.
- power of railroad company to condemn for railroad purposes, 1019 n., 1022 n.

**LEVEE DISTRICT,**

- public, but not municipal corporation, 34 n., 90 n.
- corporate capacity of, 1366 n.
- dissolution of, rights of creditors, 338 n.
- validity of assessment, 1366 n.

**LIABILITIES.** (See ACTION AND LIABILITY; CONTRACTS; OFFICE AND OFFICER; POWERS AND DUTIES; NEGLIGENCE; STREETS; TORTS.)

**LIBEL,**

- as cause for removal of officer, 476 n.
- liability of corporation in action for, 1638 n.

**"LIBERTY BELL,"**

- city enjoined by taxpayer from appropriating funds to pay for transportation of, 1579 n.

**LIBERTY POLE,**

- not a nuisance *per se*, 684 n.
- liability for injury caused by fall of, 1705 n.

**LIBRARY,**

- power to erect library building, 976 n.
- trusts to erect and maintain, 988.
- erection in public parks, 1096.
- donation in trust to maintain public library, 982 n.
- bequest to city for library purposes exempt from inheritance tax, 1396 n.
- legislative power to compel city to levy tax, 1373 n.
- taxation to support, 1372 n.

**LICENSES.** (See TAXATION.)

**I. GENERAL PRINCIPLES,**

- franchise and license distinguished, 1210 n.
- nature and extent of license power, 661-667.
- scope of power to license occupations, 1408.
- power to regulate occupations, 662, 665, 666, 1408.
- power must be plainly conferred, 667.
- delegation of power to issue, 244.
- power to grant cannot be delegated by municipality, 244.
- granted by *de facto* officer valid, 643 n.
- applicability of constitutional restrictions on taxing power, 1366-1371.
- need not be in writing, 561 n.
- legislative control over charter powers in respect to, 105, 1367.
- power to license does not authorize grant of exclusive right, 663 n., 668.
- ordinances conferring discretionary power to issue, 598.
- no vested right in revenues arising from, 105.
- State law and charter provisions respecting, 234, 669, 1368.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## LICENSES — *continued*.

### I. GENERAL PRINCIPLES — *continued*.

- when not sustainable under general welfare clause, 596 n.
- ordinance licensing occupation which is criminal under law, 630 n.
- corporation has no right to license or maintain nuisance, 684 n.
- not void for being class legislation, 1372 n.
- licensees not corporate agents, 1630.
- mandamus* to compel issue, 671 n., 1487 n., 1489 n.
- enjoining enforcement of license and occupation tax ordinances, 650 n.
- liability of city for mistake of power, 1630.
- city not liable for acts of licensee, 1630, 1636 n.
- liability for erroneous refusal to grant license, 1630 n.
- no liability for negligence of police officers because city granted license for exhibition, 1656 n.
- liability for granting license to lunatic, 1630 n.
- street railroad franchise not a mere license, 112 n.
- intent to dedicate not implied from revocable license, 1081.

### II. LICENSE FEES AND TAXES,

- distinction between power to "license" and to "tax," 276, 661-664, 1367, 1378, 1408.
- amount of fee, 671.
- power to levy license tax discretionary, not mandatory, 661.
  - to exact licenses for revenue purposes, 594 n., 661, 663 n.
  - to impose license tax, 1378.
- license taxes on occupations, 1408-1412.
- courts will not presume amount of license tax unreasonable, 671 n.
- exclusive grant does not exempt from liability to pay license or tax, 1392.
- illegal license tax, recovery back, 1616-1624.
- resident cannot enjoin collection of license tax for which he is liable, 1579 n.
- ordinances to reduce rate of license fee, 575 n.
- suit to enforce penalty, 636 n., 643.
- penalties for failure to take out license, 611 n.

### III. REVOCATION,

- power to revoke, 667 n.
- power to ordain forfeiture of, 618.
- cannot be forfeited under power to fine, 618.
- liability of city for wrongful revocation, 1630 n.
- repayment of license fee for unexpired period upon revocation, 1630 n.
- to construct and maintain public utility is revocable, 1306.

### IV. SPECIFIC SUBJECTS,

- agents of railroads; interstate commerce, 1359.
- non-resident attorneys, 587 n.
- auctioneers, 234, 718 n.
- automobiles, 714.
- bill-posters and bill distributors, 697.
- commercial travellers and drummers, 1356.
- dogs, 662 n., 724.
- express companies, 1360.
- ferries, 275 n., 276, 662 n.
- foreign corporations, 1364, 1368.
- horseshoeing, 666 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **LICENSES — *continued*.**

## **IV. SPECIFIC SUBJECTS — *continued*.**

- keeping hogs and swine, 693.
- owners of tow-boats; regulation of commerce, 589 n.
- public exhibitions, 661, 664.
- sale of goods within and not within city, 594 n., 1356 n.
- sale of meat, 661 n., 662 n., 705, 706 n., 709 n., 718 n., 1433 n.
- slaughter-houses, 691.
- sleeping car companies, 1361.
- stables, 692.
- street railway cars, 1392.
- telegraph companies, 1362.
- vehicles using public streets, 1166.
- to remove buildings, 715.
- for erection of wooden buildings within certain limits, 727 n.
- use of streets by public utility, 1275.
- to obstruct street, 1128 *et seq.*, 1168 *et seq.* (See **STREETS**.)
- license taxes for privilege of using street, 1164, 1166 n., 1407 n.

## **V. LIQUOR TRAFFIC,**

- liquor traffic may be licensed, 669-671, 674, 1408 n. (See **INTOXICATING LIQUORS**.)
- power to prohibit sale of liquors, 673.
- power to license sale of liquors under general welfare clause, 671, 672.
- interstate commerce, 1363.
- local option laws, 69 n.
- license to sell liquor not a contract, 618 n.
- power to prescribe qualifications of liquor dealers, 675.
- amount of license fees for liquor saloons, 676.
- effect of general laws respecting liquor trade, 670.

## **LIEN,**

- of judgment on real estate of municipality, 992.
- mechanics', maritime and attorneys' liens on municipal property, 993.
- statutory, of sub-contractors, laborers and material-men on contract price, 831.
- maritime, for wharfage, 267 n.
- of taxes, 1420, 1421, 1433 n.
- legislative power to provide for assessments, 127.
- of special assessment payable in instalments, 1464.
- of water rates, 1321, 1323.

## **LIGHT AND LIGHTING COMPANIES. (See **ELECTRIC LIGHTING; GAS AND GAS COMPANIES; PUBLIC UTILITIES**.)**

### **I. IN GENERAL,**

- power of city to provide light, 1296.
- public character of lighting, 1297.
- private or governmental capacity of city in furnishing or contracting for, 1303.
- gas in pipes and mains may be subject of larceny, 1322 n.
- city under no obligation to light streets, 1701.
- effect of negligence in lighting street on liability of city, 1701.

### **II. MUNICIPAL WORKS,**

- public nature of service, 1297.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## LIGHT AND LIGHTING COMPANIES — *continued*.

### II. MUNICIPAL WORKS — *continued*.

- property held by city in trust for public purposes, 1301.
- power of city to supply light to inhabitants, 1298.
  - to apply surplus to private purposes, 1300.
  - of New York City to construct electric plant, 1296 n.
  - to purchase building for lighting purposes, 976 n.
- plant cannot be constructed in street limits, 1297 n.
- pledge of works and revenue of gas works to secure lenders, 817.
- power to issue bonds for lighting plant, 883 n.
- submission of bond proposition to electors, 891 n.
- special limitations on indebtedness for plant, 214.
- special assessments to pay cost of works and appliances, 1440 n.
- purchase of works of company by city, 1312.
- authority to condemn lands for electric light plant, 1033 n.
- power of city to condemn lands beyond municipal limits, 1028.
- acquisition of works of company by eminent domain, 1313, 1314.
- power of city to sell works, 1301.
- authority to city to maintain works may be repealed, 1306.
- liability for negligence in constructing and maintaining plant, 1303, 1670.

### III. CONTRACTS FOR LIGHTING,

- power of city to contract for, 1302.
- validity of lighting contract, 816.
- when ordinance necessary for contract for, 1303 n.
- when competitive bidding required, 1302 n.
- emergency requiring letting of contract without competition, 802.
- power to contract for supply for term of years, 1307.
- term of contract by city, 1307.
- contract for, as affected by limitation of indebtedness, 196.
- implied contract to pay for, 795 n., 820 n.
- ultra vires*; executed and executory provisions, 1339.
- liability of city for light furnished; implied contract, 1338.

### IV. GRANTS OF FRANCHISES; USE OF STREETS,

- franchises in streets. (See STREET FRANCHISES.)
- right to use city streets under California Constitution, 1304 n.).
- grants of franchises to corporations and individuals, 1304.
- constitutional requirement of consent of municipality to use of streets, 1223-1231.
- when popular vote a condition precedent to franchise, 1304.
- sale of franchise to highest bidder, 1305.
- street franchises; rental charges; charges for inspection and supervision, 1275.
- agreements by municipality to satisfy or pay taxes on works of company, 1310.
- conditions attached to grants of franchises, 1304.
- enforcing compliance with conditions of franchises, 1311.
- breach of condition of franchise by company; forfeiture, 1311.
- rights of municipality and grantee at expiration of franchise, 1315.
- police power; removal of overhead wires, 1274.
- power of city to grant exclusive franchise or contract right, 1215-1218, 1308.
- when power to give exclusive right incidental to contract for light, 1308.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **LIGHT AND LIGHTING COMPANIES — *continued*.**

## **IV. GRANTS OF FRANCHISES; USE OF STREETS — *continued*.**

- exclusive grant of right to supply gas subject to police power, 1214.
- franchise rights are contracts which cannot be impaired, 1306.
- power to grant franchise to use streets for lighting appliances, 1214.
- legislature may grant right to use streets without consent of municipality, 1222.
- reservation of right to use dedicated street for pipes, etc., 1075 n.
- right to cut shade trees interfering with wires, 1213 n.
- taxation of franchises in streets, etc., 1392.
- appliances for public lighting of streets, etc., not an additional servitude, 1213.
- distinction between urban streets and rural ways for lighting purposes, 1213.
- use of streets for supplying light to private persons, 1213.

## **V. CONSUMERS; REGULATION OF RATES,**

- consumers; duty to furnish supply, 1317.
  - duty to supply all without discrimination, 1317.
  - rates must be reasonable, 1318.
  - rules and regulations, 1319.
  - security for payment, deposit, 1321.
  - meters, 1320.
  - remedies for refusal to furnish supply, 1317.
  - failure to pay for service, 1321.
- stipulations as to rates in ordinances and contracts, 1326.
- legislative regulation of rates, 1324.
- regulation of rates; delegation of power to municipality, 1325.
  - power is continuing in its nature, 1326.
  - power of city to fix rate for definite period, 1326.
  - province of court, 1327.
  - right of company to reasonable rate, 1327.
  - remedy in equity against unreasonable regulation, 1328.
  - power of judiciary to fix or prescribe rates, 1329.
- what are reasonable rates? general considerations, 1330.
  - elements of value; property and franchises, 1331.
  - cost of construction, 1332.
  - cost of reproduction of works, 1333.
  - risks and incidents of business, 1334.
  - value of property; capitalization and bonded indebtedness, 1335.
  - cost of operation; maintenance and depreciation, 1336.
  - net profit or return to corporation, 1337.

## **LIME-KILN,**

- whether a nuisance, 684 n.

## **LIMITATION OF ACTIONS. (See ADVERSE POSSESSION; DELAY.)**

- when municipal corporations bound by limitation statutes, 1187-1189, 1191, 1192-1194.
- does not begin to run against inhabitants of town until incorporated, 1188 n.
- private and proprietary obligations of municipality, 1188.
- suspension for inability to serve process on city, 1188 n., 1523 n.
- charter may prescribe limitations, 1194 n., 1612.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

### LIMITATION OF ACTIONS — *continued*.

- special limitations of time to begin action against city, 1613 n.
- on municipal warrants, 865.
- when cause of action accrues on warrant, 865.
- plea of statute in action on municipal bond, 971 n.
- on coupons of municipal bonds, 894.
- applicability of statute to actions for taxes, 1414 n.
- actions to recover taxes and assessments, 1188 n., 1194 n., 1414 n.
- applicability to action to recover back taxes illegally collected, 109 n., 1623.
- applicability to *mandamus*, 1507 n., 1526 n.
- in *quo warranto*, 1564 n.
- adverse possession against public corporations, 977 n., 1187-1194.
- doctrine of civil law as to adverse possession in respect to municipalities, 1190.
- adverse possession to support dedication, 1030.
- unauthorized area opening in street, 1180 n.

### LIMITATION OF INDEBTEDNESS,

- constitutional provisions, 190.
- constitutional provisions excepting water, sewerage, etc., 190.
- general scope and construction of constitutional provisions, 191.
- provisions are generally self-executing, 191.
- do not repeal charter provisions limiting debt, 191.
- special charter limitations construed, 295.
- all parties charged with notice of, 191.
- corporations affected by limitation, 192.
- limitation of state debt not applicable to municipality, 192.
- distinct and separate corporations in same territory, 192.
- "indebtedness" defined, 193.
- current expenses, 193.
- annual payments for water, light, etc., 193.
- anticipation of revenues, 194.
- current expenses, 195.
- contracts calling for future periodical payments, 196.
- cash in the city treasury, 197.
- obligations payable only from a special fund, 198.
- hypothecation of city property, 199.
- purchase of property subject to encumbrance, 199.
- contracts to purchase at the option of the city, 200.
- liability *ex delicto*, 201.
- funding and refunding operations, 202.
- partial validity of obligation, 203.
- estoppel by recitals as to debt limit, 204.
- recitals in bonds, when estoppel will not be implied, 922.
  - circumstances under which estoppel will be implied, 923.
  - result of the decisions, 924.
- computation of indebtedness, 205.
- city stock and bonds in sinking fund, 206.
- assessed value of property in relation to indebtedness, 207.
- effect of judgment against municipality, 208.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **LIMITATION OF INDEBTEDNESS — *continued.***

- attempts by creditors to obtain relief from invalidity, 209.
- limitations based on income and revenue, 210.
- requirement that provision for payment be made, 211.
- current expenses not within requirement of provision for payment, 211.
- limitation of taxing power operating as limitation of indebtedness, 212.
- requirement of sanction of popular vote, 213.
- separate proposition for issuance of bonds, 213.
- special limitations for water works, etc., 214.
- judgment conclusive as to validity of debt, 939.
- remedies of taxpayers; evidence, 215.
- remedy to prevent creation of debt in violation of, 1583.
- injunction against collection of tax to pay excessive debt, 1584 n.
- city having reached limit enjoined from carrying out contract, 1579.
- injunction to restrain payment of debt in excess of constitutional limit, 1581 n.
- injunction against levy of tax to pay indebtedness, 1584 n.

## **LIQUOR DISPENSARIES,**

- liability of stock of liquors to sale on execution, 992 n.

## **LIS PENDENS,**

- doctrine of, not applicable to purchasers of municipal bonds, 896.

## **LIVERY STABLE,**

- not necessarily a nuisance, 684 n.
- power to regulate place of erection, 665 n.

## **LOBBYING CONTRACT,**

- invalid, 774.

## **LOCAL ASSESSMENTS. (See SEWERS; SPECIAL ASSESSMENTS; STREETS.)**

## **LOCAL IMPROVEMENT. (See CONTRACTS; SPECIAL ASSESSMENT.)**

- meaning of term, 1439, 1440 n.
- "public" and "local" improvements, construed, 1033 n., 1144 n.
- what constitutes a single improvement; Illinois, 1439.
- sewers held to be permanent improvements, 883 n.
- towers for electric lights not, 825 n.
- delegation of power to determine manner of making, 244.
- power of legislature to improve streets through commissioners, 101 n.
- right to make may be made to depend on vote of the people, 69.
- provisions as to manner of voting and record of vote, 540.
- ordinances must not be partial or oppressive, 593 n.
- resolution without mayor's signature ordering local improvements, 575 n.
- council to determine necessity and character of, 1383.
- power to make is a continuing one, 1447.
- individuals may promise to pay portion of expense, 792.
- notice of proceedings, 507 n., 1042 n., 1457.
- notice of hearing in respect to, 507 n.
- when interests of certain aldermen directly involved, question as to quorum, 541.
- power to make contracts for, 785, 825-828, 1402 n., 1449, 1454, 1465.
- when required to award work to lowest bidder, 805.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LOCAL IMPROVEMENT — *continued*.**

contracts for, 825.

consent of property owners, 826.

acceptance of work, 1465.

time of completion, Missouri, 1467.

rights of contractor, 825-828.

ratification, 797 n.

liability of city when price payable from assessment, 827.

warrants payable only from particular fund, 860.

bonds for, payable from assessment only, 893.

stipulations by contractor to maintain pavements in repair, 829.

right of abutters to sue on contractor's bond, 830 n.

*mandamus* to compel making of, 1487 n., 1493.

*certiorari* to revise proceedings for, 1592.

*mandamus* to compel issue of bonds, 1487 n.

local assessment for, 825-828, 1350 *et seq.* (See SPECIAL ASSESSMENT.)

conditions precedent to abutter's liability, 1466, 1467.

assent of abutters is jurisdictional, 1449, 1450, 1454.

assessment may be authorized after improvement is made, 1122.

irregularities in proceedings may invalidate assessment, 1611.

suit by holder of improvement bond to foreclose assessment lien, 893 n.

notice in proceedings to assess owners of land, 1042 n., 1457.

unlawful tax for, exacted under color of process, recoverable back, 1618.

petitioner for improvement cannot restrain collection of assessment, 1589 n.

inaction of property owner will estop him to object to assessment, 1590 n.

assessment for benefits against street railway, 1240 n.

ratification of void local assessment, 127, 128, 1400 n., 1412 n. (See CURATIVE ACTS.)

rights and remedies of property owner, 826 n.

contractor enjoined from proceeding after repeal of ordinance, 584 n.

no liability for consequential damages from authorized public improvements, 1674 *et seq.*

construction of charter provision as to liability for, 793 n.

statute of limitations held inapplicable to assessment for, 1188 n.

*mandamus* to compel levy on all taxable property to pay, 1507 n.

**LOCAL JUDGES, JURORS, AND WITNESSES, 748.**

**LOCAL OPTION LAWS,**

validity of statutes, 69 n., 573 n.

statutes conditioned on acceptance by municipality, 155.

*mandamus* to prevent entry upon record of vote, 1495 n.

**LOCAL SELF-GOVERNMENT,**

basis of municipal corporations, 15-18, 32, 69, 353.

constitutional provisions authorizing cities to frame their charters, 63.

right of, discussed, 98-100.

creation of taxing districts, New Jersey, 1434, 1435.

constitutional provisions to secure right of, 101.

**LONDON,**

condition in 1685, 4 n.

administrative county of, and county council, 25.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LONDON** — *continued*.

case of the city of, 10, 1558.  
public squares in, 1097.

**LOST INSTRUMENTS,**

rights in; municipal bonds, 960.  
warrants endorsed in blank, 858 n.

**LOWEST BIDDER.** (See **CONTRACTS; HIGHEST BIDDER.**)

provisions requiring contracts to be let to, 801-806, 812 n., 1383, 1577, 1720 n.  
letting contracts to lowest bidder, 801.  
re-letting work on abandonment of contract, 801.  
extra work under contract, 801.  
renting of premises for use of city, 997 n.  
when competitive bidding required for street lighting, 1302 n.  
duty to solicit bids for supply of water, 1302 n.  
exchange of refunding bonds for old bonds, 939 n.  
letting contract when competition impossible or unavailing, 802.  
letting contracts without advertisement in emergency, 802.  
selection of appliances on test, 802.  
practical monopoly excusing letting contract by competition, 802.  
contracts for scientific knowledge or professional skill, 802.  
    involving patented inventions, 803.  
    for proprietary articles without competition, 804.  
    with party having exclusive right, 806.  
    for patented pavements, 805.  
necessity for and sufficiency of specifications, 807.  
bid must conform to specifications, 807.  
combinations among bidders, 781.  
alternative bids, 807 n.  
stipulations as to hours of labor, wages and union labor, 808.  
necessity and sufficiency of advertisement, 809.  
forfeiture of deposit, 810.  
opening bids, 810.  
awarding the contract, 810.  
when contract complete, 810.  
acceptance and rejection of bids, 811.  
discretion to determine responsibility of bidder, 439 n.  
acceptance of higher bid as evidence of fraud, 778 n.  
waiver of fraud in awarding contract, 778.  
remedy when contract is awarded to another, 805 n.  
stipulations by contractor to maintain pavements in repair, 829.  
no ratification of contract violating statute, 797 n.  
liability of contractor's surety when contract let in violation of statute, 830 n.  
*mandamus* to compel award of contract, 1483 n., 1489 n.  
disregard of charter provision requiring contracts to be let to, 1577.  
suit by attorney-general to restrain unauthorized letting, 1577.  
taxpayer's action to restrain illegal letting, 1585 n.  
civil liability where city is bound to let contract to, 1720 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**LUCRATIVE OFFICES,**

defined, 385 n.

**LUNCH STANDS,**

stationary, in public streets, illegal obstruction, 1177 n.

**MCDONOUGH'S WILL.** (See TRUSTS AND TRUST PROPERTY.)

for education of poor in New Orleans and Baltimore, sustained, 984.

**McMICKEN'S WILL.** (See TRUSTS AND TRUST PROPERTY.)

similar devise to Cincinnati sustained, 985.

**MAGNA CHARTA,**

allusion to, 10, 111 n.

monopolies are in conflict with, 668 n. (See MONOPOLIES.)

**MAJORITY.** (See COMMITTEE; COUNCIL; ELECTIONS; MEETINGS; OFFICE AND OFFICER; QUORUM.)

what constitutes, 69 n., 72 n., 317 n., 383, 891.

"voting at an election," 213.

on ratification of free-holders' charter, 63 n.

of indefinite body; majority present may act, 520.

quorum of definite body, 521.

extent of principle of majority of quorum, 522-525, 1633 n.

when majority may lawfully execute powers of public nature, 522 n.

contracts by majority of council, 788 n.

power to act when by-law requires two-thirds' vote, 536 n.

effect of refusal to vote, 527.

in elections or appointments to office by council, 529.

application of majority principle to joint assemblies, 531.

requisite majority to dispense with rule, 576 n.

charter provisions requiring majority of whole body, 530.

of property owners or voters, consent of, 906-917, 954, 1232.

**MALICIOUS PROSECUTION,**

liability of corporation to action for, 1638 n.

**MANDAMUS.** (See Chapter XXIX on MANDAMUS.)

**I. WHEN WRIT ISSUES; GENERAL PRINCIPLES,**

definition, nature and functions of writ, 1480-1482.

function of writ in England, 1480.

distinguished from injunction, 1482, 1485 n.

functions of *quo warranto* and *mandamus*, 1501.

office of the writ, 1483, 1494, 1520.

right of relator must be clear, 1486.

remedy extraordinary as distinguished from usual remedy of suitor, 1483.

ordinary remedies must be inadequate, 1485.

inadequacy of ordinary or specific remedy, 1488.

to enforce duty of municipality, 1484, 1585 n.

right of individual to enforce public duty, 1527.

when granted or refused, 1047 n., 1483, 1488.

discretion of court as to granting of writ, 1526 n.

where party has right of appeal, 1486 n.

refused where it will be unavailing, 1507 n.

not allowed where right merely equitable, 1538 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MANDAMUS** — *continued*.

**I. WHEN WRIT ISSUES; GENERAL PRINCIPLES** — *continued*.

- when not issued and when set aside, 1542.
- discretionary powers and imperative duty distinguished, 1489.
- remedy as respects mandatory and discretionary powers, 242, 1489-1494, 1626, 1739 n. (See **POWERS AND DUTIES**.)
- official discretion not controllable by, 1492, 1493.
- to compel performance of ministerial act, 1490, 1491.
- to governor of State, 1491.
- to public officers of State, 1491.
- to federal officer in Federal court, 1490.
- to officers *de facto*, 1554 n.
- to mayor, county commissioners, and other officers, 1487 n.
- will not be refused because officers may be prosecuted criminally, 1485.
- particular instances illustrating use and application of writ, 1492-1494, 1527 n.
- to compel publication of ordinance, 603 n.
- validity of ordinances tested by, 646.
- to compel issuance of license, 575 n., 671 n., 1487 n., 1489 n.
- to compel approval of liquor dealer's bond, 1489 n.
- to compel holding of municipal court, 740.
- on division of town, lies to compel apportionment of money, 1487 n.
- remedy of State where supervisors omitted to perform particular duty, 1487.
- if *mandamus* will lie, injunction will not issue, 1570 n.
- effect of pendency of suit in equity, 1485 n. (See **EQUITY**.)
- equity will not ordinarily interfere by injunction, 1545 n.
- limitation of actions, 1507 n., 1526 n.

**II. ELECTIONS; OFFICES,**

- writ as respects elections and officers, 370, 375 n., 379, 380, 1495-1504.
- to hold election, 1495, 1496.
- to canvass vote, 1497.
- in case of doubt as to validity of election, court will not interfere by, 1503 n.
- quo warranto* proper remedy to try title to office, 1501.
- title to office cannot ordinarily be determined in, 1487, 1554.
- when title to office may be settled in, 1499-1504.
- title to office tried in *mandamus*; Maryland, 1502, 1503.
- to compel admission to office, 375 n., 1499, 1500.
- to compel council to act upon sufficiency of sureties, 394 n.
- to compel approval of official bond, 493 n., 553 n., 556 n.
- approval of official bond not subject to review in *mandamus*, 1486 n.
- to compel governor to issue commission to officer, 385 n.
- to take municipal office; whether compellable to serve, 1498.
- to control discretionary power of removal, 486.
- to compel corporation to remove an officer, 475 n.
- in cases of wrongful removal from office, 487.
- when removed officer entitled to, 482.
- to restore to office, 471, 482, 1504.
- to council to reinstate alderman, 377 n.
- to compel reinstatement of employee, 425.
- when officer accepts incompatible office, 419.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MANDAMUS** — *continued*.

**II. ELECTIONS; OFFICES** — *continued*.

- to enforce payment of official salary, 1487.
- to enforce delivery of corporate books and records, 559, 1503 n., 1505.
- to compel officer to deliver up property of State, 1505 n.
- to enforce right to inspect records and papers, 560.
- to compel attendance at corporate meeting, 521 n.
- to compel aldermen to perform duty, 1484 n.
- to compel officer to affix corporate seal, 1487 n.
- to compel officers to meet to levy tax, 1516.

**III. STREETS; BRIDGES; FRANCHISES, ETC.,**

- application to making of local improvements and repair of streets, 1493.
- to compel prosecution of local improvement, 1487 n.
- to compel city to lay out and improve streets, 1431 n., 1486 n.
- to compel repair of highway, 1485 n.
- to compel removal of obstructions in street, 1130, 1493 n., 1527 n.
- to grade street at crossing, 1730 n.
- to erect viaducts at crossings, 1272 n.
- to compel railroad company to restore highway, 1233 n., 1599 n.
- to enforce duty to repair or rebuild bridge, 1157 n., 1493 n., 1689 n.
- to compel city to take charge of and maintain a bridge, 121.
- to maintain ferry, 1494, 1529.
- as to determination of site for county seat, 1492.
- to compel building of court-house and jail, 1492.
- to enforce duty to supply water or light, 1317.
- to compel compliance with condition of franchise of public service corporation, 1231 n., 1311.
- to enforce condition of municipal consent as to fare on street railway, 1230 n.
- to compel construction of viaduct across railroad track, 1269 n.
- by successful bidder for street railway franchise to compel acceptance of bond, 1229 n.
- where owner has right to surrender his estate, power to compel city to take the land, 1494.

**IV. CONTRACTS,**

- to award contract to lowest bidder, 1483 n., 1489 n.
- to compel performance of business contracts, 1486 n.
- remedy of contractor when contract price payable from assessment, 827.
- to compel city to levy and collect assessment for payment of contractor, 827.
- to compel city treasurer to receive coupons for taxes, 1487 n.

**V. RIGHTS OF CREDITORS; BONDS,**

- to enforce levy of taxes, 113 n., 122, 339, 421, 1352 n., 1402-1403 n., 1435, 1483 n., 1486 n., 1493 n., 1507, 1511, 1518, 1519, 1525 n.
- to compel levy of taxes after regular time, 1400 n., 1516.
- to compel subscription to railroad stock, 954 n., 1528 n.
- to compel issue of bonds, 1487 n.
- to compel issue of railway aid bonds, 1482, 1487 n.
- to compel issuance of bonds to purchaser, 895.
- duty to issue local improvement bonds enforceable by, 831 n.
- to enforce payment of award by sale of city bonds, 1044 n.
- to compel delivery of bonds and assessment of taxes to pay interest, 953 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MANDAMUS** — *continued*.

**V. RIGHTS OF CREDITORS; BONDS** — *continued*.

- to collect street assessments, 827, 1045, 1050, 1487 n., 1681.
- to make a special assessment for improvements, 1487 n.
- to levy and collect assessment to pay improvement bonds, 893.
- to levy and collect assessment to pay award of compensation for land, 1050.
- to issue warrants, 866.
- to compel payment of warrants, 851 n., 854 n., 1486 n., 1506 n., 1507 n.
- by endorsee of warrant, 854 n.
- to compel payment of warrant from particular fund, 854.
- enforcement of municipal warrants in Federal court, 1525.
- distinction between negotiable bonds and ordinary warrants, 1524, 1525.
- remedy of bondholder by *mandamus* not in equity, 1513, 1519 n., 1520.
- to enforce duties towards creditors, 1506.
- when creditor must have judgment, 1507, 1511, 1514, 1518, 1519.
- in nature of execution of judgment, 1519.
- not necessary to show that execution has been issued, 1507 n.
- use of remedy by Federal courts, 897-898, 1402-1403 n., 1514, 1518, 1519.
  - demand and refusal, 1514, 1520 n., 1525 n., 1528.
  - prior judgment required, 1514, 1518, 1519.
- may issue from Federal courts to State officer, 1519.
- Federal court cannot acquire jurisdiction by removal from State court, 1514 n.
- to enforce duties towards creditors, 827, 992, 1506-1523.
  - by levy and collection of taxes, 113 n., 339, 421, 1352 n., 1402, 1403 n., 1485 n., 1486 n., 1493 n., 1506.
- when creditor may enforce levy of tax without prior judgment, 1511.
- to enforce special tax levy to pay debt, 1510.
- creditor entitled to full exercise of taxing power, 1515.
- to compel levy of tax on all taxable property to pay, 1507 n.
- to compel officers to meet to levy tax, 1516.
- enforcing taxing rights existing when debt created, 1512.
- effect of abrogation of statute authorizing tax, 1509.
- special limitations of taxing power, 1508.
- to enforce rights of creditors of dissolved municipality, 336.
- judgment against county which has no private property, enforced by, 992 n.
- in enforcing payment by, plaintiff not restricted to particular property, 992.
- to compel municipality to pay judgments; New Jersey Act, 1435 n.
- judgments not enforceable by *mandamus* in New England States, 1506 n.
- where council delay or refuse to order sale for delinquent taxes, 1487 n.
- enforcing judgments in Federal courts; Boutwell's Case; Watertown Case, 1520.
- effect of resignation of officers, 1520-1523, 1546.
- no abatement by death or resignation of corporate officers, 1521.
- resignation to avoid duty, 1522, 1523.
- liability to civil action for refusal to obey peremptory *mandamus*, 1517.
- commitment for refusal to levy tax in obedience to *mandamus*, 1519 n.
- change in membership of council does not abate proceedings, 1546.
- against officer, right of corporation to appeal, 1546 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MANDAMUS** — *continued*.

**VI. PROCEDURE; PRACTICE,**

application for the writ, 1526.

how supported, 1526, 1528 n.

what relator must show, 1511 n.

when State may apply for writ, 1527.

when individuals may, 1527.

who may be relator; official and private relators, 1527.

demand and refusal, 1528.

formal demand not always necessary, 1529.

rule to show cause alternatively, 1530.

rule *nisi*, or notice, dispensed with, 1530.

form, direction, and service of writ, 1531.

requisites of the writ, 1531.

writ and information amendable, 1532 n.

direction of writ, 1532-1535.

may be directed to corporation or its officers, 1521, 1533.

must be directed to officers in their proper capacity, 1536.

official rather than personal name advisable, 1536.

may be directed to a *de facto* officer, 1536 n., 1554 n. (See **DE FACTO OFFICER; OFFICE AND OFFICER.**)

misdirection and direction to right person by erroneous name, distinction, 1537.

service of writ, 1537.

return and subsequent proceedings, 1538, 1539.

course open to respondent upon service of alternative writ, 1539.

alternative writ is demurrable, 1526 n.

alternative writ granted *ex parte* in first instance, 1530.

peremptory writ, 1540-1542.

attachment to enforce obedience, 1543-1545.

enforcement; state court injunction no excuse, 1545.

judgment in, 1546.

abatement; change of membership, public officer, 1546.

appeal and *supersedeas*, 1546 n.

personal liability of ministerial officers for refusal or neglect to obey writ, 1517.

**MANUFACTURERS,**

aid to, a private purpose, 321, 884.

**MAP.** (See **DEDICATION; PLAT.**)

mapping or platting streets as a taking of land, 1029.

**MARITIME LIENS,**

on municipal property, 993.

**MARKET-CART,**

in street, held not a nuisance *per se*, 684 n.

**MARKETS.** (See **ORDINANCES.**)

definition, 699 n.

requisites of municipal market, 699 n.

power to build, establish, and regulate, 301, 662 n., 699-708, 1078, 1671.

power to purchase site for, abandon, and change, 699 n., 701, 703, 777, 976, 1078, 1102 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# MARKETS — *continued*.

discretionary power to build market-house, 242, 1626.  
 implied power to contract for erection of, 777.  
 power to acquire lands for, 976.  
 exercise of power of eminent domain for, 1034.  
 delegation to individual of right to erect, 704.  
 power to regulate is a police power, 708.  
 power to regulate and manage, 665 n.  
 ordinances regulating use of, 598 n.  
 limitation of powers over, 702.  
 power over, under general welfare clause, 703.  
 construction of special powers in relation to, 705.  
 power to farm out markets, 705 n.  
 power to rent stalls in, 707 n.  
 control of city over tenants, 708 n.  
 municipality may enter into partnership in relation to, 815.  
 dedication of lands for, 1078, 1100.  
 dedication of "market square," 1097 n.  
 effect of words "market square" on plat, 1079 n.  
 inspection ordinances, 602, 616, 709, 711.  
 power to tax marketmen must be plainly conferred, 707.  
 city cannot contract to create a monopoly, 705 n.  
 grants by municipality creating a monopoly, 699, 704 n., 705 n.  
 place and times to be held and kept open, 703, 705.  
 how far sales elsewhere may be prohibited, 705.  
 city cannot abdicate its legislative powers in relation to, 705 n.  
 sale of municipal market under execution, 992 n.  
 cannot be built in street, 702, 1131 n., 1175.  
 market stands in streets, 684 n., 706, 1177.  
 liability of city as owner of market house, 1671.

# MARSHAL OF UNITED STATES,

collection of taxes by, 1519.

# MASTER AND SERVANT. (See EMPLOYEES; OFFICE AND OFFICERS; RESPONDEAT SUPERIOR; TORTS.)

officers and employees distinguished, 425.  
*respondeat superior*, when applicable and when not, 1647, 1655.  
 right of municipal employee to *mandamus* in case of wrongful removal, 487.

# MATERIAL-MEN,

who are, 830 n., 831 n.  
 statutory lien on contract price, 831.

# MAYOR. (See COUNCIL; MEETINGS; OFFICE AND OFFICER.)

nature and antiquity of office, 387, 388.  
 integral part of old English corporation, 53, 502, 1533.  
 not a State officer, 102.  
 certificate of election, *mandamus* in favor of ineligible person refused, 1483 n.  
 powers and duties of, 387, 388, 1655.  
 provision made in charter for election of, 59.  
 duties defined, 59.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MAYOR** — *continued*.

- responsibility of mayor of English municipalities, 20 n.
- right to hold over, 409. (See **OFFICE AND OFFICER**.)
- absence of mayor, when other officer shall act, 414.
- presence and functions at meetings of council, 502, 512.
- presence, when integral part of special body, 480 n.
- right to preside over meeting of council, 511, 514.
- casting vote in case of tie, 513, 536 n.
- status* as member of council, 513.
- approval of ordinances, 575, 578, 827 n.
- signing of ordinances by, 603.
- refusal to sign ordinance because not present at meeting, 514 n.
- time and manner of presentment of ordinances for approval, 578.
- passage of ordinances over veto, 578.
- power of mayor *pro tem.* to approve ordinances, 578 n.
- ordinances to be approved by mayor in office at time of passage, 578 n.
- approval of ordinance before recording and attestation, 607 n.
- power of council to remove, 429 n., 468 n.
- power to remove officer, 473 n.
- power to remove police officer, 390 n.
- removal of officer by mayor not conclusive, 482 n.
- liability for wrongful exclusion from office, 440 n.
- writ of prohibition against, in cases of removal, 481 n.
- leasing lands owned individually to city, 773 n.
- power to execute contracts, 783 n.
- municipal bonds signed by ex-mayor, 551 n., 603 n., 881 n., 904 n.
- deed by mayor *pro tem.* 998 n.
- power to bind city by verbal promise, 783 n.
- ratification of contract by mayor *de facto*, 797 n.
- verbal promise to pay for material, 814 n.
- employment of attorney in emergency, 824 n.
- employment of counsel in action to test validity of election, 824 n.
- mandamus* to compel mayor to sign license, 1489 n.
  - to compel performance of duty as presiding officer, 1487 n.
- remedy to compel mayor to issue certificates of indebtedness to individual, 1506 n.
- power to bring suit to test legality of ordinances, 1573 n.
- where mayor secretly contracted to purchase at a discount city debentures, 1577 n.
- quo warranto* to determine legal right to office, 1592 n.
- may be personally indicted for neglect of duty, 1499.
- liability of city for acts and contracts of, 1655 n.
- power to enjoin violation of law by other officers, 387 n.
- liability to private action, 387 n.
- competency to act as judge, 744 n., 748, 751 n., 754.
- jurisdiction of mayor's court under statutes or special charters, 755 n.
- extent of jurisdiction territorially, 755 n.
- may take judicial notice of ordinances, when, 639 n.
- authority of, to execute deed containing warranty, 384 n.
- no incidental power to execute appeal bond, 387 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MEAT.** (See **MARKETS.**)

- power to license and regulate sale of, 661 n., 662 n., 705, 706 n., 709 n., 718 n., 1433 n.
- prohibiting sale of meats outside markets, 705 n., 706 n.
- exposure of unfit meat for sale, 709 n.
- power to prohibit sale of meats in department stores, 665 n.
- inspection of fresh meats, 709 n.
- licensing dealers in meats, 665 n.

**MECHANICS' LIENS,**

- not municipal affairs under prohibition of special laws, 165.
- on municipal property, 993.
- statutory, of sub-contractors, laborers and material men on contract price, 831.
- suits by material-men and mechanics on contractors' bonds, 830.
- assignment of claim, 831 n.
- necessity of notice of assignment of claim, 831 n.
- effect of payment to contractor, 831.

**MEDICINE,**

- practicing, after conviction of felony, 666 n.

**MEETINGS.** (See **COUNCIL**; **MAJORITY**; **NOTICE**; **QUORUM.**)

- of old English municipalities, 53, 502, 503.
- requisites of valid corporate meeting, 500-503.
- council must act at meeting lawfully convened, 501, 511 n.
- proper corporate body must act, 516.
- injunction where two conflicting bodies act concurrently, 517.
- acts of *de facto* council and officers, 518.
- elections or appointments to office by council, 529.
- appointment to office by *de facto* council or board, 519.
- mandamus to compel meeting to be held to levy tax, 1516.
- constitution of meetings of councils, 511, 512, 514, 515, 1534 n.
- mayor's presence and function, 512.
- status* of mayor as member of council, 513.
- right of mayor to preside, 511, 512, 514.
- approval of proceedings by mayor, 512. (See **MAYOR.**)
- power of presiding officer to maintain order, 512 n.
- regular or stated meetings, 532, 1516.
- stated and special meetings, 532.
- notice of, requisites of notice, 505-509.
- constructive notice of stated meeting, 532.
- as to proof of notice, 507 n.
- charter requirements as to notice must be followed, 505, 534. (See **NOTICE.**)
- notice of corporate meetings, 504, 505, 532, 533.
- notice; time and place; waiver, 505, 534.
- notice under English Municipal Corporations Act, 504, 506.
- special meetings, 505 n., 533.
  - how notice given and waived, 533, 534.
  - record of proof of notice, 538 n.
  - what business may be transacted, 505 n., 506 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# MEETINGS — *continued*.

- notice in respect to school meetings (in New York), 507 n.
- presumption of regularity, 538.
- mode of proceeding when convened, 536, 537, 539, 540, 541.
- concurrence of integral parts, 531, 536, 1496, 1534.
- concurrence of dual board, 536.
- power to act through committee, 537. (See COMMITTEE.)
- power to reconsider and rescind votes, 539.
- unfinished business at end of session, 536.
- power to adjourn, 510, 535.
- adjourned meetings, 506, 535, 555.
  - what business may be transacted, 505 n., 506 n.
- acts of members or voters after adjournment void, 510 n.
- pecuniary interest as affecting right to vote, 521 n., 541.
- separate readings on different days, 576.
- unanimous consent to consideration of ordinance, 576 n.
- determination of questions should be by formal vote, 540 n.
- charter requirement of vote by ayes and nays, 540, 784 n.
- number present and acting, how proved, 541 n.
- acts by less than quorum void, 541.
- charter provisions requiring majority of whole body, 530.
- quorum and majority of definite body, 521-526, 530, 531.
- extent of majority principle, 522-525.
- excessive number of votes, 526.
- effect of casting blank ballot, 528.
- effect of refusal to vote, 523, 527, 541 n.
- of indefinite body; majority present may act, 520.
- power of majority to act when by-law requires a two-thirds vote, 536 n.
- signature of chairman to minutes, 550 n.
- quorum of joint assembly, 531 n.
- application of majority principle to joint assemblies, 531.
- effect of refusal of body to enter joint assembly, 531 n.
- mandamus* to compel councils to assemble in joint meeting, 1496.
- power to appoint clerk *pro tem.*, 550.
- correction of record *nunc pro tunc*, 540.
- right of clerk to amend records *ex parte*, 553.
- amendment of record by clerk out of office, 551 n.
  - of record after approval by council, 554.
  - by new board of record of acts of predecessors, 554.
  - of records when rights of third parties have intervened, 554.
- proof by parol of facts omitted from record, 557, 558.
- parol evidence to explain, vary or contradict record, 555, 556.
- parol evidence to establish order changing place of, 555 n.
- New England town meetings, 40, 507.
  - when called by persons acting under color of authority, 515 n.
  - mandamus* to call public meeting (in Connecticut), 1527 n.
  - time and place of meeting, 508.
  - requisites of notice, 507-509.
  - notice and adjournment, 507.
  - acts ratified by subsequent legal meeting, 509 n., 822.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MEETINGS — *continued*.**

New England town meetings, when persons vote who are not qualified,  
515 n.  
power to adjourn, 510.

**MEMBERSHIP,**

in municipal corporations, how constituted, 15 n., 60.

**MEMORIAL HALL,**

public purpose under power of taxation, 1351 n.

**MERCHANDISE,**

taxation of capital employed in, 1387.

**MERGER,**

by annexation of smaller municipality, 355.

**METERS,**

power to require consumers of water and light to instal, 1320.

**MILK,**

may prohibit sale of, 718 n.  
ordinances regulating vending, 598 n., 677 n.  
title of ordinance regulating vending, 577 n.  
powers with respect to swill milk, 677 n.

**MINERAL DEPOSITS,**

in public streets, ownership of, 1072, 1076 n., 1135 n., 1149 n., 1154.

**MINERAL WATERS,**

tapping well on private property by public well on street, 1156 n.

**MINES,**

regulating mining on private lands, 695.

**MINISTERIAL DUTIES. (See POWERS AND DUTIES.)****MINUTES. (See COUNCIL; MEETINGS; RECORDS AND DOCUMENTS.)****MISDEMEANOR,**

arrest for, without a warrant, 390 n.  
conviction void when ordinance not passed in accordance with the law, 540 n.  
excessive charges by water or light company, 1325.

**MISFEASANCE. (See ACTION AND LIABILITY; NEGLIGENCE; OFFICE AND OFFICER; TORTS.)****MISNOMER. (See NAME.)**

effect of, in grants or obligations, 349, 350.

**MISTAKE. (See also FRAUD.)**

relief against city for mistake of fact, 778 n.  
recovery back of money paid under mistake of fact, 794, 1621 n., 1622 n.  
correction of council records *nunc pro tunc*, 540.  
amendment of record of corporate meeting, 551-554.  
power of equity to correct, in municipal bonds, 880 n.  
recital in bond of wrong statute, 936.  
misrepresentations by municipal officers, 780.

**MISUSER,**

of dedicated property; remedy, 1106.

**MOBS,**

power and extent of official authority, 385 n., 387 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MOBS — continued.**

- destruction of building by, 684 n.
- liability of city for property destroyed by, 1636, 1637.
- validity of statute imposing liability for acts of, 1372 n.

**MODIFICATION,**  
of contracts, 820.

**MONEY,**

- liability as respects scrip issued to circulate as, 782, 795, 851 n.
- contract for printing notes to circulate as, invalid, 795 n.
- payment of bonds in gold coin, 892.

**MONEY HAD AND RECEIVED.** (See also *ASSUMPSIT*.)  
implied *assumpsit*, 1615.

**MONOPOLIES.** (See *LEGISLATURE*; *POWERS AND DUTIES*.)

- king's charter cannot confer exclusive right of trading, 51.
- exclusive rights of trading abolished in England by Act of 1835, 594.
- contrary to Magna Charta, 668 n.
- English statutes and decisions, 668 n.
- keeping of slaughter-house, when a monopoly, 684 n.
- exclusive privileges in respect to markets, 699, 704 n., 705 n.
- municipality may make regulations to prevent, 709.
- effect of Fourteenth Amendment on power of legislature to grant, 261 n., 668 n.
- no implied power to create, 275, 663, 668, 805, 806 n., 1218, 1280.
- construction of constitutional prohibition of exclusive privileges, 1217 n.
- grant of franchise not exclusive in absence of express stipulation, 1308.
- unauthorized exclusive right or franchise void in part only, 1308.
- grants of exclusive rights in streets, 1234.
- in favor of gas company, 1214-1219, 1308.
- requires express legislative authority, 1215.
- agreements between gas companies as to extension of mains, 1317 n.
- combination between competing gas companies, ground for forfeiting charter, 1311 n.
- in favor of electric light company, 239 n., 1218, 1308.
- in favor of water company, 112 n., 668 n., 771 n., 1212 n., 1214, 1218 n., 1308.
- exclusive franchise and contract rights of water companies; rule in Pennsylvania, 1309.
- legislative grants of exclusive right to supply gas and water are contracts, 112 n., 1212 n.
- exclusive right to construct railway in streets, 1218 n., 1235-1238.
- exclusive grant will not relieve from payment of license tax, 1392.
- exclusive privilege is held subject to police power, 1218 n.
- exclusive right to remove garbage, 678.
- practical monopoly excusing letting contract by competition, 802, 804.
- taxpayer cannot question power of city to grant, 1581 n.

**MONUMENTS,**

- erection, a "city purpose," 1293 n.
- public purpose under power of taxation, 1351 n.
- erection in public parks, 1096.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MORAL OBLIGATION,**

- power of legislature to enforce, 123. (See **CONTRACTS**; **LEGISLATURE**.)
- repayment of taxes illegally collected, 1623 n.

**MORTGAGE,**

- power to mortgage municipal property, 996.
  - to mortgage to secure water-works bonds, 996, 1301 n.
  - to mortgage to secure railway aid bonds, 996.
- foreclosure of, against city property, 996.
- pledge of works and revenue of gas works to secure lenders, 817.
- power of city to purchase works subject to, 1296.
- estoppel of mortgagor to question validity, 991 n.

**MORGUES,**

- restrictions or conditions prohibiting, 682 n.

**MORTMAIN,**

- statutes of, 971, 975, 976.
- not generally in force in this country, 976.

**MOTIVES.** (See **LEGISLATURE**.)

- of legislators not inquirable into by the courts, 580, 581 n.
- for adopting ordinances not subject to judicial inquiry, 580, 581, 583.
- judicial inquiry into motives influencing vacation of street, 1160.

**MULLANPHY'S WILL,**

- devise to city in trust for relief of poor emigrants, 986.

**MULTIPLICITY OF ACTIONS,**

- as ground for enjoining enforcement of ordinances, 650.

**MUNICIPAL AFFAIRS,**

- what are, under prohibition of special laws, 165.
  - exercise of power of eminent domain, 1024 n.
- what are in California, 63 n.
- opening and widening streets, 1142 n.

**MUNICIPAL BONDS.** (See **BORROWING MONEY**; **CONTRACTS**; **DEBTS**; **LIMITATION OF INDEBTEDNESS**; **MANDAMUS**; **RAILROADS**.)**I. POWER TO ISSUE,**

- municipal bonds described, 871.
- different classes of bonds, 881.
- power of legislature to compel city to incur debt and issue bonds, 1372 n.
- mandatory legislation for issuance of, 119, 120, 121 n., 883 n.
- when city cannot be compelled to issue bonds, 119, 948 n., 1372 n.
- power to borrow money, 278-298.
  - to guarantee must be expressly conferred, 814.
  - to mortgage property to secure bonds, 817, 996, 1301 n.
  - to issue, dependent on valid legislative act, 280, 903, 904, 946, 949, 958.
- issue before law authorizing it took effect, 946 n.
- implied or incidental power to issue, 279, 872, 881.
- incidental power to give acknowledgment of debt, 873.
- power to borrow and power to issue bonds distinct and separate, 873.
- implied power to issue, decisions of United States Supreme Court, 874.
  - decisions of State courts denying power, 875.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## MUNICIPAL BONDS — *continued*.

### I. POWER TO ISSUE — *continued*.

- implied power to issue; Indiana, 876.
  - from power to borrow, etc., 877.
  - author's conclusions, 878.
  - for site for authorized building, 883 n.
- express power to municipality to issue, 291 n., 313-324, 870, 872, 881.
- express power to issue defines power of city, 881.
- construction of express powers to issue bonds, 883.
- construction of special powers, 946.
- power to issue may be repealed after vote but before issue, 114.
- acts of municipality as practical construction of powers, 883.
- law as developed in Federal courts, 886.
- course of decision in United States Supreme courts, 897.
- decisions of State courts as precedents in Federal courts, 898.
- rule in Federal courts when decisions of State courts are conflicting, 899.
- United States Supreme Court decisions; general results stated, 903.
- must be issued for a public purpose, 884.
- in aid of private enterprises, 319 n., 1351 n.
- aid to manufacturing enterprises a private purpose, 884.
- loan of bonds to private company, 792.
- power to issue to develop water power for manufacturing purposes, 1372 n.
- issuance "for corporate purposes," 883.
  - "internal affairs," 883.
  - internal improvements, 881 n., 883 n.
- bridges as works of internal improvement, 885.
- limitations of indebtedness, 190-215. (See LIMITATIONS OF INDEBTEDNESS.)
- partial validity under limitation of indebtedness, 203.
- requirement that provision for payment be made, 211.
- limitations of taxing power operating as limitations of indebtedness, 212.
- discretionary powers of officers, 883.
- reissue on surrender of original instruments, 883.
- issue of new bonds in place of old, 821 n.
- issues of, by corporations and officers *de facto*, 671, 887.
- school district a municipal corporation within meaning of statute authorizing issue, 36 n.
- power of city to stipulate against further issues, 883.
- want of power always a defence, 903, 904, 949.
- curative legislation, 317 n., 907 n., 948.
- annulment of power by constitutional amendment or statute before rights vested, 943, 944.
- State court decisions as to power to issue, 953.
- conditions precedent to issuing; state court decisions, 323, 904, 953, 954, 955.
  - general result stated, 958.
- mandamus* to compel issue, 1482, 1487 n.
- railway aid bonds, 313-319, 900.
- Iowa railway aid cases, 901.
- aid to railways a public purpose, 884.
  - express power essential, 321, 323.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-909; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## MUNICIPAL BONDS — *continued*.

### I. POWER TO ISSUE — *continued*.

aid to railways; course of decision of United States Supreme Court, 318, 320, 324, 886, 897.

power of school district to issue bonds, 1372 n.

conditions precedent to issuance, 323.

mode of subscription; when subscription complete, 942, 944.

completed subscription; effect of consolidation of railway companies, 945.

*mandamus* to compel town to guarantee railway bonds, 1487 n.

cannot be issued under power to issue county orders, 851 n.

illegal provision for payment of contracts in bonds, 791.

general result stated, 958.

### II. POPULAR VOTE,

requirement of sanction of popular vote, 213, 891, 941, 953 n.

requirement of assent of two-thirds of qualified voters, 317 n., 904 n., 946 n.

necessity of election for refunding bonds, 940 n.

for issue of interest bearing warrants at future date, 851 n.

non-compliance as affecting power to issue, 904.

separate propositions for issuance of, 213, 891.

statement of amount of issue, 891.

specifying denomination for purposes of election, 891 n.

failure to give notice of election, or notice for required time, 323, 910.

registration of voters, 891 n., 953 n.

inquiry into motives of voters, 213.

what constitutes majority of voters, 69 n., 383, 891.

election invalidated by bribery, 954 n.

second submission after adverse vote, 946 n.

informalities in election returns, 904 n.

### III. FORM; PROCEEDINGS FOR ISSUANCE,

form, medium of payment; gold coin, 892.

word "bond" imports a seal, 889.

statutory requirements as to execution, authentication and delivery, 888.

compliance with statutory requirements essential, 889.

interest exceeding prescribed rate, 881 n.

statutory requirements; statement of purpose of issue, 890.

denomination of bonds, 889 n.

statutory provisions as to term, 889.

time when payable or redeemable, 889 n.

term exceeding prescribed period, 881 n.

date of instrument, 889 n.

cannot be issued in blank as to date, 880 n.

bonds made payable at unauthorized place, 896 n.

failure to insert consideration; liability of city, 1610 n.

when ordinance necessary for issuance, 889 n.

effect of failure to publish ordinance, 603 n.

sufficiency of resolution for issuance of, 572 n.

recital of wrong statute, 936.

usury in issuance of, 889 n.

separable invalid provisions, 889.

to be signed by officers in office at time of delivery, 888.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## MUNICIPAL BONDS — *continued*.

### III. FORM; PROCEEDINGS FOR ISSUANCE — *continued*.

- bonds signed by ex-mayor held invalid, 551 n., 881 n.
- signature by *de facto* officers, 888.
- persons signing must be officers *de facto* of *de jure* office, 916.
- execution by county judge outside of county, 888 n.
- power of county judge to affix seal outside of jurisdiction, 919 n.
- authorized bond of school-directors signed with individual names, 785 n.
- where lost or stolen, 960.
- execution; plea of *non est factum*, 881 n.
- registration of bonds, 947.
  - effect of fraudulent antedating, 947.
  - as prerequisite to validity, 888.
  - as adjudication of validity of issue, 947.
- presumption of compliance with conditions precedent, 921.
- power of equity to correct mistakes in, 881 n.

### IV. FUNDING AND REFUNDING BONDS,

- mandatory legislation compelling issuance of funding bonds, 938.
- funding municipal indebtedness may be provided for on basis of classification, 151 n.
- power to exchange new bonds for old, 939.
- refunding bonds, 939.
- power to issue, 821 n.
- funding and refunding operations as affected by limitation of indebtedness, 202.
- annual redemption not necessary under requirement of provision for payment, 211.
- constitutional requirement of election, 891 n.
- sufficiency of description of purpose, 890 n.
- refunding illegal scrip or currency to circulate as money, 782.
- estoppel to deny validity of original debt refunded, 204, 923, 940.

### V. SALE AND DISPOSAL,

- when bonds are deemed to be "issued," 902.
- sale and disposal of, 895.
- employment of broker, 895.
- power to sell at less than par, 879 n.
- authority to agent to negotiate bonds at not less than a specified rate, 784 n.
- sale at not less than par, 895.
- accrued interest to date of delivery, 895.
- payment of commission to purchaser, 237 n.
- ratification of sale at less than par, 799.
- recovery of deposit when bonds invalid, 895.
- bona fide* holders of bonds sold at less than par, 879, 918.
- duty of purchaser as to applying purchase price, 895.
- illegal disposition of consideration for issue, 934.
- deposit in escrow; performance of conditions, 937.
- mandamus* to compel issuance to purchaser, 895.

### VI. NEGOTIABILITY; BONA FIDE HOLDERS,

- are negotiable paper, 871, 879.
- power to issue includes power to make negotiable, 882.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# MUNICIPAL BONDS — *continued*.

## VI. NEGOTIABILITY; BONA FIDE HOLDERS — *continued*.

negotiability; form of bond; condition, 880.

not destroyed although corporate seal is attached, 363 n.

of registered bonds, 879 n.

of railroad aid-bonds, 320, 879, 880, 903.

of bonds payable only from assessment, 893.

who are *bona fide* holders, 931.

rights of *bona fide* purchaser, 879.

*bona fide* holders of bonds sold at less than par, 879, 918.

purchaser chargeable with notice of law authorizing, 1508 n.

purchasers charged with notice of terms of recitals, 930.

doctrine of *lis pendens* not applicable, 896.

when void against *bona fide* holders, 323, 933.

*bona fide* purchaser of void bonds may recover purchase money, 795 n, 796, 1615.

## VII. BONDS PAYABLE FROM ASSESSMENTS ONLY,

improvement bonds payable from assessment only, 893.

negotiability of bonds payable from special assessment only, 893.

are not municipal bonds, 893 n.

interest after maturity, 893 n.

obligation to collect special assessment to pay bonds, 893.

*mandamus* to levy and collect assessment to pay improvement bonds, 893.

## VIII. COUPONS,

coupons, 894.

may be owned separately from bonds, 871.

interest on past due coupons, 894.

actions on coupons, 894.

limitation of actions on coupon, 894.

payment of taxes in coupons, 1414 n.

*mandamus* to compel receipt of coupons in payment of taxes, 1506 n.

## IX. ESTOPPEL BY RECITALS; OTHER GROUNDS,

*rationale* of estoppel by recitals, 916.

when officer will be deemed to have authority to make recital, 927.

power of officials to decide whether conditions precedent performed, 908.

sufficiency of recitals to import compliance with the law, 928.

estoppel; in favor of *bona fide* holder, 324, 541, 791, 905-952.

estoppel available only to *bona fide* purchasers, 930.

lack of power may be shown notwithstanding recital, 933.]

estoppel by recitals; *Knox County v. Aspinwall*, 905-907.

result of Federal decisions as to recital, 926, 952.

when recitals essential to estoppel, 929.

notice of matters appearing of record, 914.

how far *bona fide* holder is chargeable with notice of terms of recited ordinances, 935.

railroad aid bonds, 324.

estoppel by recital of matter of fact, 915.

estoppel by recitals as to debt limit, 204, 922, 923, 924.

constitutional requirement of tax for interest and principal, 925.

funding and refunding bonds, 204, 923, 940.

to show non-compliance with condition precedent, 905-911.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MUNICIPAL BONDS — *continued*.**

**IX. ESTOPPEL BY RECITALS; OTHER GROUNDS — *continued*.**

- estoppel by recitals, vote of prescribed majority, 904, 906, 909, 915 n.
- defective notice of election, 910.
- written assent of taxpayers, 911.
- overissue contrary to enabling act, 912, 913.
- sufficiency of petition of voters, 917.
- recommendation by grand jury of county, 918.
- concurrent subscriptions by others, 920, 921.
- terminus* of railway, 919.
- subscription before constitutional amendment, 915.
- genuineness of official signature, 932.
- recital of wrong act of legislature, 908 n.
- town cannot set up that it was not legally incorporated, 915 n.
- judgment or determination as to right to issue bonds, 938.
- estoppel to deny compliance with conditions to be performed after making but before delivery, 937.
- implied and express power to issue; recitals; mode of pleading, 881.
- rule in New York, 956.
- rule in Missouri, 957.
- to deny validity of railroad consolidation, 944 n.
- other grounds of estoppel, 941.
- final judgment on demurrer, 907 n.
- decree entered upon consent of mayor, 1610 n.
- laches; acquiescence; failure to enjoin issue, 950, 951.
- payment of interest, retaining consideration, 907 n., 950, 951.
- waiver of irregularities in issue, 959.

**X. TAXATION; CONTRACT RIGHTS OF CREDITORS,**

- power of taxation for purposes of payment, 1352 n., 1372 n., 1403.
- taxation for, limited to public purposes, 884.
- implied power to tax, 1380.
- power of taxation part of contract with creditor, 113, 959 n., 1381 n., 1512.
- taxing power cannot be repealed, 959 n., 1512.
- creditor entitled to full exercise of taxing power, 1515.
- contract right to taxing power existing when debt created, 1512.
- provisions for collection of special tax part of contract, 1512.
- implied power to tax for authorized obligation, 1508.
- prescribed mode for levying taxes is part of obligation, 113 n., 1512.
- provision for sinking fund part of contract with creditor, 113.
- prohibition of further issue, part of contract with creditor, 113.
- power of legislature to modify taxation, 114.
- amendment of act to require taxation of personal as well as real property, 1352 n.
- diversion of market revenues appropriated to pay bonds, 784 n.

**XI. ACTIONS ON BONDS,**

- mode of declaring on bonds and coupons, 881 n.
- pleading authority to issue, 881.
- mode of pleading defences, 881 n.
- plea of *non est factum*, 881 n.
- plea of statute of limitations, 871 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# MUNICIPAL BONDS — *continued*.

## XI. ACTIONS ON BONDS — *continued*.

- defences; waiver of irregularities in issue of bonds, 959.
- irregularities in issuance no defence, 903.
- conclusive effect of judgment on, 938, 939.
- Federal jurisdiction of actions on, 879 n., 1610 n.
- action by assignee of, in Federal courts, 1610 n.
- colorable transfer will not give jurisdiction, 879 n., 1610 n.

## XII. MANDAMUS TO ENFORCE PAYMENT,

- distinction between negotiable bonds and ordinary warrants, 1524.
- mandamus* to compel levy of tax, 1506, 1510, 1570 n.
- mandamus* to compel officers to meet to levy tax, 1516.
- special limitations of taxing power, 1508.
- effect of abrogation of statute authorizing issue, 1509.
- enforcing taxing rights existing when debt created, 1512.
- remedy of bondholder by *mandamus* not in equity, 1513.
- mandamus* is in nature of execution of judgment, 1519.
- when creditor required to recover judgment before applying for *mandamus*, 1507.
- when creditor may enforce levy of tax without prior judgment, 1511.
- mandamus* in Federal courts to enforce collection of judgment, 897.
- remedy by *mandamus* in Federal court; prior judgment required; course of procedure, 1514, 1518.
- mandamus* may issue from Federal courts to State officers, 1519.
- enforcement of judgments in Federal courts; Boutwell's case; Watertown Case, 1520.
- corporate duties; no abatement by death or resignation, 1521.
- resignation of officer to avoid duty, 1522, 1523.
- liability of officer for failure to perform duty enjoined by *mandamus*, 1517.

## XIII. RECOVERING CONSIDERATION OF VOID BONDS,

- power to compel payment of invalid bonds, 124.
- liability on invalid railroad aid bonds, 796.
- actions to recover consideration of void bonds, 961, 1610 n., 1615 n.
- subrogation of holder to claims paid with loan, 862 n.

## XIV. TAXATION OF MUNICIPAL BONDS,

- taxation of, 1399.
- situs* for purposes of taxation, 879 n., 1389.
- power of city to tax its own bonds, 1388 n.
- bonds deposited with insurance department by foreign company, 1389 n.
- of cities, etc., in Territories not subject to taxation by States, 1398 n.

## XV. REMEDIES FOR ILLEGAL ISSUES; INJUNCTION,

- relief of municipality against, in equity, 881 n.
- taxpayers' actions to restrain issuance, 215 n., 904 n., 1584 n., 1585 n.
- jurisdiction of Federal courts of taxpayers' actions to restrain issuance, 1584 n.
- right of attorney-general to bring suit to prevent illegal issue, 1577 n.
- plaintiff not entitled as matter of right to temporary injunction restraining issue, 1579 n.
- injunction against collection of tax to pay excessive debt, 1584 n.
- suit by taxpayer to enjoin issue of State bonds, 1589 n.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MUNICIPAL CORPORATIONS.** (See BOUNDARIES; CHARTER; CORPORATIONS; COUNTY.)

defined and classified, 15, 30-32.

design of, 18, 32.

what included in term, 32, 34, 175 n.

distinguishing features of, 32.

what is the corporation, 33, 53, 60.

defined in English Municipal Corporations Act, 31 n., 54 n.

complex character of, 21, 33.

are bodies politic and corporate, 31, 72.

how distinguished from private corporations, 34.

distinction between municipal and *quasi* corporations, 35, 37, 38.

public corporations defined, 92.

public and municipal corporations distinguished, 34.

when public and when private, 38, 119 n., 122 n., 338 n.

may have private property-rights, 39, 109, 111, 112.

public and private capacities distinguished, 109, 110.

creation of, in England, 50-54.

royal and parliamentary charters in England, 51.

constitution of old English municipality, 53.

may exist by prescription in England, 50.

legislative power to erect, change or abolish, 92.

how created in the United States, [legislative sanction essential, 33, 55, 230.

subject to control of the legislature, 15, 70, 90, 131, 357.

each one of the United States is, 43.

number and frequency of corporate creations, 56.

local polity of States controls municipal law, 58.

power of Congress to create, 57.

power of territorial legislatures to create corporations, 57.

may be incorporated without consent of inhabitants, 69.

*de facto* corporations, 67. &

may exist by prescription in the United States, 55, 232.

incorporated under general laws, 18, 23, 70.

charter defined, 50.

special charters creating, 59, 70.

creation, legislative intent, 65.

no particular form of words necessary to create, 64, 230.

constitutional provisions authorizing cities to frame their charters, 63.

may be created by implication, 64, 65.

legislative recognition sufficient to establish, 232.

two or more distinct corporations in same territory, 36.

only one corporation of same kind in same area, 354.

need not specifically accept charter, unless required, 69, 230.

proof of corporate existence, 232.

proof of corporate existence deduced from user, 232.

existence of, cannot be collaterally questioned, 66, 355 n., 644 n.

constitutional provisions as to creation of, 70-75 and notes.

may be altered or abolished by legislature, 92, 106-108, 112, 230, 336, 355, 358.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **MUNICIPAL CORPORATIONS — *continued*.**

- membership in, 15 n., 60 n.
- charter or incorporating act is not a contract, 92.
- name, boundaries, and seal, 345-363.
- continuous legal existence of, 339.
- revival by new charter and its effect, 340.
- dissolution of, 330-340.
- effect of repeal or dissolution, on property and contract rights, 112.

# **MUNICIPAL CORPORATIONS REFORM ACTS IN ENGLAND,**

- historical allusion to, 10.
- abuses and misrule which led to enactment of Act of 1835, 54.
- summary of Act of 1835, 54.
- organizes municipal corporations in England and Wales upon uniform model, 54.
- defines who shall be citizens, 54.
- what Acts apply to, 31 n.
- political rights of women under, 54 n.
- provision as to name of corporation, 346.
- effect with respect to corporate meetings, 503.
- notice under Act, 506.
- exclusive rights of trading abolished by, 594.
- subject of by-laws and their penalties regulated by, 609.
- prevention and suppression of nuisances, 684 n.
- mode of enforcing by-laws, 634.
- provide for establishment of borough courts, 742.
- regulate subject of charitable trusts in England, 982.
- impose certain restraints in respect to real property, 991 n.
- powers as to corporate funds and property are public trusts, 1575.

# **MUNICIPAL COURTS. (See CONVICTION; CRIMINAL OFFENCES; INDICTMENT; JURY; OFFENCES.)**

- in England and at common law, 740.
- limited nature of powers of, 741, 752 n.
- treated as tribunals of corporation, 740.
- under English Municipal Corporations Act, 742.
- American corporation courts, 57, 743, 744.
  - creation, jurisdiction and powers, 744.
  - constitutional provisions, 743.
- competent for legislature to establish and to abolish, 744.
- constitutional provisions touching powers and jurisdiction of, 744, 745.
- constitutional limitations on jurisdiction and powers, 747, 750.
- distinction between corporation courts and general courts of record, 748.
- term "inferior court" defined, 744 n.
- jurisdiction in cases to enforce penalties for violation of ordinances, 636, 637, 744.
- will take judicial notice of ordinances, 639, 648 n.
- how and in what name violations of ordinances to be prosecuted, 746.
- citizens competent judges, jurors, and witnesses, 748.
- criminal jurisdiction of, 632, 745, 751-756.
- police magistrate may issue process against body of an offender, 744 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**MUNICIPAL COURTS — *continued*.**

- jurisdiction under statutes or special charters, 755 n.
- extent of jurisdiction territorially, 747 n., 755 n.
- jurisdiction of municipal court outside city limits 747 n.
- civil jurisdiction of, 758.
- jurisdiction to try title to property, 758.
- summary trials for violations of ordinances, 745.
- summary proceedings, when valid, 749-756.
- summary procedure; jury trial, 749.
- jury trial on criminal charge under statute, 751-755.
- right to jury trial given by appeal, 756.
- review of proceedings, and mode, 752, 1592.
- certiorari* to review proceedings of, 1592.
- revisory power of superior court, 757.
- what record of conviction should show, 758 n.
- appeal from, does not exist unless plainly given, 752 n.
- acts of officers *de facto* valid, 1554 n.
- illegal fines imposed by, may be recovered back, 1617.

**MUNICIPAL PURPOSES. (See also CITY PURPOSES; MUNICIPAL AFFAIRS.)**

- what are, 73, 1293.
- erection of school house, 883 n.
- supplying water to persons beyond city limits, 1299 n.
- construction and ownership of railroads, 1294.
- erection of monument, 1293 n.
- issuance of bonds for, 883.
- recital that bond issued for, effect, 940 n.
- charitable trusts germane to corporate purposes, 988.

**MUNICIPAL TRADING,**

- general considerations, 1291.
- constitutional questions, 1292.

**MUSEUMS,**

- erection in public parks, 1096.

**MUTUAL INSURANCE COMPANY,**

- power of city to insure buildings with, 976 n.

**NAME. (See Chap. X on CORPORATE NAME, etc., 345.)**

- essential, 345.
- how given or acquired, 345.
- under English Municipal Corporations Act, 346.
- under charter or legislative act in United States, 347.
- charter not invalid because name omitted, 64.
- by grant, by implication and by prescription, 345.
- by reputation, 348, 1532.
- misnomer and effect thereof, 349, 350.
- effect of misnomer in grants, etc., 349, 987 n., 997 n.
- corporate name may be changed, 233, 337, 338 n., 345, 346, 348.
- change of charter name, 345.
- may have more than one, 345.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NAME** — *continued*.

- change of identity not necessarily involved in change of name, 337, 338 n., 346 n., 348 n.
- change of, does not affect corporate existence, 337.
- change does not affect liability for debts, 336 n.
- grants of property not affected by change of, 338 n., 974 n.
- grants to and by corporation in corporate name, 974, 998.
- in what name to sue and be sued, 346, 351, 1421 n., 1533, 1546.
- in what name to enforce ordinances, 640 n., 642, 746.
- contracts with officials by individual names, 786, 787.
- mandamus*, in what name to be directed, 1532-1536, 1546 n.
- suits by officers, in what name, 1421 n.
- suits to prevent illegal corporate acts, in whose name, 1574 *et seq.*

**NATURAL GAS,**

- may be subject of interstate commerce, 1357 n.
- supply to city and citizens a public purpose under taxing power, 1298 n.
- legislative authority to lay pipes in streets, 1222 n.
- construction of statute prohibiting gas supply to city already supplied by another company, 1304 n.
- incidental power of gas company to construct telegraph or telephone lines, 1304 n.

**NATURAL STREAMS,**

- and surface water, distinction, 1731.

**NAVIGABLE WATERS.** (See **FERRIES**; **HARBORS**; **SHIPPING**; **WHARVES**.)

- public dominion over, 264.
- paramount right of navigation, 265.
- as boundaries of municipalities, 352 n.
- title to land between high and low water mark, 264, 977 n.
- rights to *alluvium* within corporate limits, 978 n.
- alluvium* and accretions to dedicated lands, 1077.
- grants of submerged lands to municipalities, 265.
- use of dedicated lands for landing or wharf, 1101.
- right of owner of soil under, to fill, etc., 264.
- acquisition of riparian rights by eminent domain, 1016 n.
- establishment of dock and harbor lines, 266.
- rights of riparian owner as to wharves, 264.
- river is not a highway of city, 1121 n.
- straightening channel of river, 301 n.
- legislative authority to extend street over, 1142 n.
- bridges over, 277a.
- power of Congress to authorize bridge between two States, 277 a., 1013 n.
- obstruction by municipal drawbridge, 1157 n.
- special assessments for improving, 1440 n.
- liability of city for impairing navigation by withdrawing water supply, 1669 n.

**NAVIGATION,**

- quarantine regulations, 680.
- prohibiting sale of tickets by others than authorized agents, 666 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NEGLIGENCE.** (See **ACTIONS**; **BRIDGES**; **SEWERS**; **STREETS**; **TORTS**.)

**I. GENERAL PRINCIPLES,**

- basis of implied municipal liability, 1625, 1665-1668.
- distinction between *quasi* and municipal corporations as to implied liability, 1638, 1645, 1646.
- implied liability of municipal corporations proper for misfeasance and non-feasance, 1645, 1646.
- limited liability of county, 1640.
- statutory and implied liability of New England towns, 1639, 1641.
- liability not affected by limitation of indebtedness, 201.
- exercise of discretionary and legislative powers, 1626.
- implied liability; governmental functions; *Hill v. Boston*, 1642, 1643.
- governmental functions; immunity from liability denied in admiralty, 1644.
- cases where implied corporate liability exists for wrongful act, 1651.
- failure to abate nuisances, 1628.
- failure to observe ordinances, 1629.
- liability for acts *ultra vires*, 1647-1650.
- application of doctrine of *respondeat superior*, 1647, 1655.
- implied liability for negligence of officers, 109 n., 1638 *et seq.*, 1675.
- when officials act as public officers and when as corporate officers, 1655 n.
- negligence of co-servants, 1655 n., 1665 n., 1717 n.
- liability for fault of city engineer, 1663, 1664.
- acts of firemen, 1660.
- acts of health officers, 1661.
- acts of inspector of steam boiler, 1647 n.
- acts of police officers, 1656.
- liability for injuries during fire department parade, 1650 n.
- liability of county under covenant for destruction of leased building, 997 n.
- notice of claim and demand before suit, 1613.
- statutory requirement of presentation or demand before suit, 1612.
- onus* to give affirmative evidence of negligence is on plaintiff, 1702 n.
- ground of liability; plaintiff must be free from contributory negligence, 1712.
- doctrine as to notice and contributory negligence summarized, 1719.

**II. STREETS; SEWERS; PUBLIC PLACES; BUILDINGS,**

- liability for defective streets and sidewalks, 1687 *et seq.*, 1706, 1711, 1712. (See **STREETS**.)
- of abutting owner in respect to street, liability, 1725.
- liability for falling substances, 1705.
- slippery sidewalks, contributory negligence, 1697.
- street cleaning; removal of ashes and garbage, 1662.
- liability for defective grating in sidewalk, 1671 n.
- liability for defective bridges, 1688 n.
- obligation of donor to maintain dedicated bridge, 1075 n.
- liability for excavations in dedicated lands, 1075 n.
- liability for neglect to maintain sewers, 1665.
- defective sewers, and drains, 1732 n., 1734-1745.
- sickness and disease resulting from defective sewer, 1744.
- defective wharf or pier, 1665.
- liability of city as property owner, 1671-1673.
- city hall and public buildings, 1657.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# NEGLIGENCE — *continued*.

## II. STREETS; SEWERS; PUBLIC PLACES; BUILDINGS — *continued*.

police station, 1656.

public parks, 1659.

school buildings, etc., 1658.

liability to prisoners for injuries caused by unsanitary and defective prisons, etc., 1656.

fall of an insecure wall upon private property, 1627 n.

## III. WATERWORKS; PUBLIC UTILITIES,

liability of city for negligence in constructing or maintaining public utilities, 1303.

construction and maintenance of waterworks, light plants, etc., 1670.

liability as owner of waterworks, 1631, 1655 n., 1669.

polluted water supply, 1316.

impure water in free public well, 1672.

property destroyed by fire, 1340.

fire hydrants in streets, 1670 n.

as owner of waterworks; *New York v. Bailey*, 1669.

collapse of reservoir, 1303 n., 1669.

death of child falling into reservoir or conduit, 1670 n., 1671 n.

damages caused by water from hydrant, 1667.

liability as owner of gas-works, 1631, 1664 n., 1668 n., 1673 n.

## NEGOTIABLE INSTRUMENTS. (See BORROWING MONEY; CONTRACTS; MUNICIPAL BONDS; WARRANTS.)

power of municipal corporations to issue, 278-293, 313, 870-878.

implied or incidental power to issue, 872.

*quasi* corporations have no implied power to issue, 284.

implied power to issue; decisions of United States Supreme Court, 874.

decisions of State courts denying power, 875.

Indiana, 876.

power to issue implied from power to borrow, etc., 877.

implied power to issue; author's conclusions, 878.

municipal bonds are, 871, 879.

power to issue bonds includes power to issue negotiable instruments, 882.

power of city to make accommodation paper, 814 n.

form of municipal bond; condition, 880.

coupons of municipal bonds, 894.

bonds payable from special assessment only, 893.

rights of *bona fide* holder of municipal bonds, 879.

negotiability of municipal warrants, 856.

## NEW ENGLAND TOWNS,

historical view of, 15.

peculiar and distinctive character, 40, 511.

distinction between "town" and "city," 40 n.

summary of leading statutory provisions in Massachusetts, 40 n.

origin of cities in Massachusetts, 40.

how general affairs administered, 40 and n.

corporate right to representation in legislature, 40 n.

difference between New England towns and English municipal corporations, 41.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NEW ENGLAND TOWNS** — *continued.*

- limited powers of, 42.
- for what purposes money may be raised and taxes levied, 42.
- cannot give away money raised by taxation, 42 n.
- powers and duties of selectmen, 42 n., 308 n.
- powers of selectmen in respect to contracts, 522 n., 785, 788.
- individual contracts by selectmen, 788.
- indemnity to selectmen for damages compulsorily paid by them, 42 n.
- can erect town hall, but not place of amusement, 42.
- annexation of town to city, 355 n.
- town meetings in New England, 40, 507. (See MEETINGS.)
  - notice and adjournment of, 507-510. (See NOTICE.)
- requisites of notice and mode of giving, and proof of, 507-509.
- recording notice of meeting, 507 n.
- majority present may act and bind all, 520.
- requirement that notice of meeting be recorded, 507 n.
- by-laws passed at meeting not duly warned invalid, 509 n.
- ratification of acts of previous meeting not legally called, 509 n.
- amendment of record of meeting, 551, 552.
- mode of enforcing judgments against, 992, 1506 n., 1507 n., 1639 n.
- power with respect to highways, 1162 n.
- right to remove soil from one highway for use on another, 1149, 1154.
- when liable for neglect of public duty, 1638 *et seq.*
- limited liability for torts, 1638, 1639, 1641 n., 1664, 1687 *et seq.*
- statutory and implied liability for torts, 1641.
- liability for defective town-house, 1641 n.
- liability of towns and cities for defective highways, 1691 *et seq.* (See STREETS.)
- defective highways; construction of statute, 1692.

**NEWSPAPERS,**

- presumption of circulation in municipality, 605<sup>n</sup> n.
- occupation tax on business of publishers, 1410 n.

**NEWS STANDS,**

- maintenance of, in public streets, 1177.

**NIGHT-WALKING,**

- ordinance prohibiting, is proper police regulation, 605 n.

**NOISES,**

- when treated as nuisances, 684 n.

**NONFEASANCE.** (See ACTION AND LIABILITY; NEGLIGENCE; TORTS.)

**NON-RESIDENTS,**

- whether eligible to corporate office, 371.
- discrimination by ordinance against, 593 n.
- ordinances in respect to stray animals owned by, 601, 620 n., 623 n.
- whether non-residents bound by ordinances, 595 n., 620 n., 627, 628.
- question whether party resides within limits embraced by ordinance is one of fact, 628 n.
- taxation of, where law authorizes tax upon residents only, 387 n.
- cannot be taxed for using streets, 1166 n., 1412 n.
- discriminating taxes against, void, 1355, 1356, 1369 n., 1412.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NON-RESIDENTS** — *continued*.

holder of city certificates not a holder of property within its limits, 1388 n.  
 liable to taxation the same as residents, when, 1412.  
 right of action against city for illegal seizure of property, 1651 n.

**NON-USER.** (See **USER.**)

abandonment of street will not be presumed from, 1160 n.  
 charter cannot be forfeited for, in collateral proceeding, 1558 n.

**NOTES.** (See **NEGOTIABLE INSTRUMENTS**; **SCRIP.**)

corporate seal affixed to note makes it a specialty, 363 n.  
 notes to circulate as money, 291, 777 n., 782, 795, 856 n.

**NOTICE.**

of time and place of election, 374. (See **ELECTIONS.**)  
 of election, *mandamus* to compel officer to give, 1496.  
 computation of time of, 374 n.  
 notice of corporate meetings, 504-509. (See **MEETINGS.**)  
 of corporate meeting under English Municipal Corporations Act, 504, 506.  
 of corporate meetings at common law, 504, 505.  
 of New England town meetings, 507-509.  
 time and place of meetings; waiver, 505.  
 charter usually provides for notice of meetings, 511.  
 charter requirements as to notice must be strictly followed, 505, 534.  
 in respect to school meetings (in New York), 507 n.  
 requisites of notice of town meeting, object of meeting, 508, 509.  
 constructive notice of stated meeting, 532.  
 requirement to give notice of annual meeting is directory, 1562 n.  
 of special meeting, how given and how waived, 533, 534.  
 record of notice of special meeting, 538 n.  
 requirement that notice of meeting be recorded, 507 n.  
 • to appear before committee, 527 n.  
 of proceedings to remove officer, 429 n., 472-481.  
 doctrine of *lis pendens* not applicable to purchaser of municipal bonds, 896.  
 municipal bonds, effect of failure to give notice of election, 910.  
 of publication of theft of bonds, rights of *bona fide* holder, 960.  
 persons contracting charged with notice of extent of corporate powers, 777.  
 of statutory lien of sub-contractors and material-men, 831.  
 of assignment of claim, 831 n.  
 to abutter of special assessment, 1042 n., 1457.  
 of special assessments, sufficiency, 1457 n.  
 of proceedings to condemn lands, 1042.  
 constructive, of proceedings to condemn land, 1042.  
 of proceedings to open streets, etc., 1042, 1597 n.  
 of ordinances, 629, 642, 1042, 1457.  
 necessity of pleading notice of enactment of ordinance, 642.  
 sufficiency of notice to accused, 640 n.  
 ordinance void for want of proper notice to persons interested, 645 n.  
 council bound by notice to previous council, 536 n.  
 when individual knowledge of officer not notice to municipality, 562 n.  
 to corporator or member not notice to municipality, 562 n.  
 penalty cannot be imposed without, 640 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NOTICE** — *continued*.

- before forfeiture of animals at large, 620-623.
- of non-payment of warrant, not necessary before action commenced, 854.
- when notice essential to corporate liability, 274 n., 1708 n., 1712, 1717-1719, 1727.
- of defect in street essential to liability, 1712.
- prior written notice of defect in street as condition of liability, 1709.
- of defect in street essential when city not directly in fault, 1718.
- to remove unsafe sidewalk, failure of abutter to comply, 1457.
- notice of defect causing injury, what allegation sufficient, 1665 n.
- of claim and demand before suit, 1612, 1613.
  - physical or mental incapacity, 1613.
  - waiver, 1613.
  - sufficiency, place of accident, 1613 n.
    - time of accident, 1613 n.
    - nature of injury, 1613 n.
    - name of physician, 1613 n.
    - defect in street, 1613 n.
    - cause of injury, 1613 n.
- notice dispensed with in application for *mandamus*, 1530.
- to bind official successor, notice of *mandamus* proceedings essential, 1546.

**NUISANCES.** (See **HEALTH; ORDINANCES; POLICE POWERS; STREETS.**)

- power to prevent and abate, 243, 584, 684-688, 718.
  - beyond town limits, 354 n., 662 n., 684 n.
- how power must be exercised, 243.
- construction of power, 302, 684-688.
- power to abate is a portion of police authority, 684 n.
- extent of municipal power with respect to, 689.
- mode of abatement, 237 n., 688. (See **EQUITY; INDICTMENT.**)
- power to abate summarily, 684 n.
- power to abate must be reasonably exercised, 688 n.
- liability of city for failure to exercise power, 688 n.
- acquiring lands to be raised and drained to abate nuisance, 1023, 1034.
- general power over, 685.
- powers under English Municipal Corporations Act, 684 n.
- what are nuisances? 684, 1131.
- are of two kinds — public and private, 684 n.
- meaning of word, 684 n.
- what are nuisances *per se*, enumeration, 684 n., 1131 n.
- corporation has no right to license or maintain, 684 n., 688 n.
- upon rivers in city limits, 687.
- suppression of houses of ill fame, 686. (See **BAWDY HOUSES.**)
- power to demolish buildings; indictment, 688.
- scope of power to abate, 690.
- regulation of slaughter houses, 691.
- regulation of stables, 692.
- keeping hogs and swine, 693.
- market-houses on public streets are, 702.
- shade trees in streets, 721.
- buildings erected in violation of fire laws, 727.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**NUISANCES — *continued.***

gaming houses, 730.

wooden awnings, 1705. (See **AWNINGS.**)

blasting of rocks in vicinity of dwelling-house, 1723 n.

in streets, and remedy, 1082 n., 1128-1132, 1161, 1168-1185, 1725-1727.

steam engine in street, 1165, 1168 n.

indictment of railroad for erecting building in highway, 1130 n.

steam tracks and engines on highways, 1165.

discharge of fireworks in streets, 1174.

legislature may legalize obstructions in streets, 1128.

unauthorized use of street by railway company, 1244. (See **RAILROADS.**)

railway in street may become a nuisance, 1168 n., 1272.

obstruction of streets by railway cars, 1272.

private structures erected on public squares are indictable nuisances, 1097, 1189.

extension of street so as to bring existing nuisance within its limits, 1645 n., 1671 n.

indictment will lie for public nuisance, 684 n., 688, 1130, 1131. (See **INDICTMENT.**)

person accused of maintaining, entitled to jury trial, 750 n. (See **JURY.**)

indictment of corporation and officers, 1598, 1599. (See **INDICTMENT.**)

indictment of municipality for depositing sewage in stream, 1316 n.

liability of city for failure to abate, 1628.

city not liable for authorizing a nuisance in street in violation of statute, 1630 n.

liability of city where it becomes necessary to create a nuisance, 1632 n.

maintenance by city of dumps for ashes and garbage, 1662.

manner of operation of pumping station or electric plant, 1670.

municipal liability for, 1671 n., 1672 n.

wrongful acts of abutters and others creating nuisance in street, liability, 1725.

discharge of sewage on private property, 1739 n.

discharge of sewage into stream, 1740 n.

liability of author of nuisance, 268 n., 1131, 1725-1730.

county not liable where jail becomes a nuisance, 35 n., 1643 n.

when equity will interfere, 684 n., 685 n., 688 n., 689, 727 n. (See **EQUITY; INJUNCTION.**)

where use of gutters by individuals results in a nuisance, 1162.

what adjoining owner must show to maintain action for damages, 1131 n.

where sewer becomes a nuisance, 685 n., 1131 n., 1739 n., 1740.

charter provision that sales of liquor might be declared a nuisance, 671 n.

**NUNC PRO TUNC ENTRY,**

when it may be made in corporate records, 540, 554 n.

**OATH,**

official, 394.

when a condition precedent to holding office, 395.

**OBLIGATION OF CONTRACT. (See CONSTITUTIONAL LAW; CONTRACTS; FRANCHISES; LEGISLATURE; REPEAL.)**

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-989; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**OBSTRUCTIONS.** (See **NUISANCES.**)

- to navigation, 687.
- to streets, 1128 *et seq.*, 1168, 1272. (See **INDICTMENT**; **STREETS.**)
- remedy of city for, 1130, 1133.
- remedy of abutter, 1132. (See **ABUTTER.**)

**OCCUPATION TAXES,**

- constitutional provisions, 1368, 1369, 1410.
- Fourteenth Amendment; equal protection of the laws, 1409.
- delegated authority of municipality, 1412.
- scope of power to license occupations, 1408.
- graduation of tax, 1410.
- discrimination between "residents" and "non-residents," 1412.
- taxes upon agents of citizens of other States, 1357.
- on agents of railroad; interstate commerce, 1359.
- railroads and other public service corporations, 1411.

**OCCUPATIONS.** (See also **INTOXICATING LIQUORS**; **LICENSES**; **OCCUPATION TAXES**; **TAXATION.**)

- regulation of, by ordinance, 661-666.
- scope of power to regulate, 665, 666.
- power to license must be plainly conferred, 667.
- scope of power to license, 1408.
- monopolies not to be created under power to license, 668.
- regulation when so conducted as to create nuisances, 690.
- power to restrict use of property on certain streets, 695.
- inspection ordinances, 709.
- offensive occupations as nuisances, 684 n., 690, 727 n.
- ordinances regulating size, weight and price of bread, 711.

**OFFAL,**

- regulating removal and disposal of, 678.

**OFFENCES.** (See **CONVICTIONS**; **CRIMINAL OFFENCES**; **JURY**; **MUNICIPAL COURTS.**)

- power to enact ordinances relating to public offences, 630-632, 749.
- summary proceedings to enforce, 749-756.
- summary convictions for petty offences, 637 n., 749 n.
- distinction between offences essentially criminal and petty offences, 756.
- rescue of municipal offenders, 725.
- single offence cannot be multiplied into many, 614, 615.
- continuing offence, 615 n.
- actions for penalties, offence must be specified with reasonable certainty, 639 n.
- conviction must be for same offence for which defendant is prosecuted, 641 n.
- same act cannot be punished by State and by municipality, 630-632, 749 n. 751-755.

**OFFER OF REWARDS.** (See **REWARD FOR OFFENDERS.**)

- when valid and binding on municipalities, 299.
- may be revoked, 299 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**OFFICE AND OFFICER.** (See also **CIVIL SERVICE LAWS; ELECTIONS; PENSIONS.**)

- I. **CREATION OF OFFICES; ELECTION; APPOINTMENT,**
  - distinction between State and municipal, 97, 102.
  - municipal, defined, 97.
  - power to create and appoint, 384, 385.
  - legislative authority over municipal offices and officers, 70 n., 97, 101, 103 n., 374 n., 421.
  - prohibition against creating offices not applicable to ordinary servants, 385 n.
  - power of legislature to appoint, 98, 99, 100.
  - right of local self-government in appointment, 98, 99, 100.
  - appointment; home rule provision of New York and Wisconsin constitutions, 101.
  - legislative power to appoint boards to control municipal public utilities, 116.
  - power of appointment cannot be delegated to judiciary, 95.
  - elections or appointments by council, 529.
  - mode of election and appointment of municipal officers, 97, 392. (See **ELECTIONS.**)
  - power of municipality over its officers, 392.
  - may be elected by resolution, ordinance unnecessary, 572 n.
  - inaccurate designation of name of the office voted for, 375.
  - compliance with charter requirement as to election or appointment, 385.
  - prospective appointment to public office, 394 n.
  - appointment by *de facto* council or board, 519.
  - re-election of expelled member of council, 471.
  - presumption of due appointment, 393.
  - electing disqualified person, 373.
  - duration of official term, 409-413.
  - power of council to prescribe term of office, 386.
  - right to hold over, 409-413, 421 n., 1495, 1496, 1536 n.
  - mayor, antiquity and nature of office of, 387, 388. (See **MAYOR.**)
  - councilmen are "civil officers," 102 n.
  - appointment of clerk *pro tem.*, 550.
  - official character of city recorder, 744 n.
  - water committee held to be agents, not officers, 102 n. (See **COMMITTEE.**)
  - water and sewer commissioners are municipal officers, 97.
  - police officers are State and not municipal officers, 97, 103, 390. (See **POLICE OFFICERS.**)
  - when appointment not revocable, 394 n.
  - legislative power to abolish office or change duties, term, etc., 421.
  - power of municipality to abolish office, 423, 424.
  - power to hold over, 409-413.
  - vacancies in municipal offices, when filled, 414.
  - effect of division of county on terms of officers, 360 n.
  - failure to elect does not dissolve corporation, 331.
  - certiorari* to review proceedings in appointing, 1592 n., 1593 n.
- II. **APPOINTMENTS UNDER CIVIL SERVICE LAWS,**
  - constitutionality of civil service laws, 397.
  - offices provided for or regulated by constitution, 398.
  - powers and duties of civil service commissioners, 399.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

OFFICE AND OFFICER — *continued*.

II. APPOINTMENT UNDER CIVIL SERVICE LAWS — *continued*.

- offices within operation of municipal civil service laws, 400.
- what are municipal and what State officers, 400.
- appointments in evasion of civil service laws, 401.
- practicability of competitive examinations; New York decisions, 402.
- confidential positions; rule in New York, 403.
- exempt positions; heads of departments, deputies, etc., 404.
- subordinate positions; laborers, 405.
- probationary appointments, 406.
- promotions, 407.
- preference of honorably discharged veterans, 408.

III. ELIGIBILITY TO OFFICE; QUALIFICATION,  
eligibility to office, 372.

- of non-residents, 371.
- political and religious tests as qualifications, 372.
- oath and official bond, 394.
- when oath a condition precedent, 395.
- conditions of official bond, 396.
- official bond; voluntary and common law obligations, 396.
- refusal to serve in office, 415.
- disqualification to hold office by interest in municipal contracts, 772 n.

IV. RESIGNATION; REMOVAL FROM OFFICE,

- resignation of municipal offices, 416.
- acceptance of resignation, 418.
- implied resignation; incompatible office, 417-419 n., 744.
- resignation to avoid issue of writ of *mandamus*, 1520-1523.
- abandonment of office, 371 n., 420.
- forfeiture of office on conviction of offence, 467.
- power to remove; *Rex v. Richardson*, 462, 475.
- where power of removal resided in old English corporations, 463.
- power of removal in this country, 464, 465.
- provision for removal under general welfare clause, 464 n.
- power of mayor to remove officer, 473 n.
- administrative nature of power to remove, 466, 467.
- power to remove must be strictly pursued, 468.
- scope of implied power of removal, 475, 476.
- construction of power to expel member of council, 470.
- what is cause for removal, 477.
- power of expulsion for specified causes construed, 469.
- removal for disorderly conduct, 469.
  - for crime of gambling, 469.
  - for illiteracy, 477 n.
  - for political activities, 477 n.
  - for acts and conduct previous to election or appointment, 477.
  - for acts and conduct outside official duty, 477.
  - for libel, 476 n.
  - for intoxication, 476 n., 477 n.
  - for riot in council chamber, 475 n.
- abandonment as cause for removal, 476 n.
- effect of abolition of office or position under civil service law, 479.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747.]

# OFFICE AND OFFICER — *continued*.

## IV. RESIGNATION; REMOVAL FROM OFFICE — *continued*.

- removal of honorably discharged veterans, 408, 479 n.
- proceedings to amove, 480.
- limitations of power to remove not requiring a hearing, 474.
- requirement of opportunity to explain and record of grounds of removal, 474.
- when notice and hearing necessary, 473.
- implied power construed to require notice and hearing, 472.
- notice of proceedings to amove, 481.
- charges must be formulated, 482.
- opportunity to defend, 482.
- constitution of trial board, 483.
- disqualification of removing power, 483.
- what constitutes a removal under statutes, 478.
- abolition of office or position not a removal, 479.
- reduction of salary not a removal, 478.
- when power of suspension exists, 470 n.
- suspension a removal *pro tanto* under statute, 478.
- when suspension operates as removal, 479.
- removal of clerk for failure to produce papers or keep records, 472 n.
- effect of valid amotion; vacancy, 485.
- re-election of expelled member of council, 471.
- removal for cause does not preclude indictment, 467 n.
- power of courts to review removal for cause, 484.
- mandamus*; wrongful removal, 487.
  - discretionary acts, 486.
  - to restore to municipal office, 1504.
- certiorari*, 488, 1592 n., 1593 n.
- officers subject to removal at pleasure not entitled to *certiorari*, 473 n.
- injunction against unlawful removal, 487 n.
- Federal court has no jurisdiction to restrain wrongful removal, 1572.

## V. TRIAL OF TITLE TO OFFICE,

- certificate of election or commission *prima facie* evidence of title, 381 n., 1554.
- usurpations of municipal offices, remedy, 1550 *et seq.*
- quo warranto* to test title to office, 375 n., 379, 517 n., 559 n., 1502, 1503, 1550, 1567. (See QUO WARRANTO.)
- quo warranto* proper remedy to try title, 1501, 1554.
- whether *mandamus* appropriate, 1499-1504, 1554.
- title to office tried in *mandamus*; Maryland, 1502, 1503.
- no jurisdiction in equity to determine title to office, 517 n., 1501. (See EQUITY.)
- governor will not be restrained from granting commission, 1552 n.
- actions by taxpayers, 489.

## VI. COMPENSATION; SALARY; PENSIONS,

- compensation of, 421-424.
- officers and employees distinguished, 425.
- legislative control of compensation, 421.
- increasing or diminishing during term of office, 423 n., 424 n.
- power to change does not include power to abolish, 423 n., 587 n.
- power of municipality to regulate salary, 423, 424.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

OFFICE AND OFFICER — *continued*.

VI. COMPENSATION; SALARY; PENSIONS — *continued*.

- definition of "lucrative offices", 385 n.
- what is necessary to give right to salary, 429 n.
- duties of officer may be increased though salary remains unchanged, 426, 427.
- when salary is fixed by ordinance, it cannot be changed by a committee, 426 n.
- mode of compensation of police officers, 390 n.
- power of council to compensate committee for customary services, 102 n.
- officer cannot claim reward for performing his duty, 299, 427 n.
- acceptance of amount fixed as salary of municipal officer, 422 n.
- additional or extra compensation, 426, 427, 801 n., 821, 991 n.
- when officer cannot recover for expenses, 426 n.
- salary of, while suspended, 422 n.
- recovery of salary after wrongful removal or exclusion, 422 n., 429, 1660 n.
- liability of intruder to officer *de jure*, 429 n.
- attachment or garnishment of official salaries, 428.
- mandamus* to enforce payment of salary, 1487.
- pensions for municipal services; constitutionality, 430.
  - legislative control over right, 431.
  - when right accrues, 432.
- unauthorized compensation to officers enjoined in equity, 1575 n.
- right of set-off denied to municipal officer, 429 n.
- exemption of compensation from garnishment, 249.

VII. POWERS AND DUTIES,

- are agents of corporate body, 331, 916.
- when duty rests upon corporation and when upon officer, 247, 1665 n.
- delegation of power by municipal council to, 244.
- duties and powers of one cannot be conferred upon another, 426 n.
- where authority is conferred on two officers, 522 n.
- application of majority principle to public officers, 522. (See MAJORITY.)
- official discretion not subject to judicial control, 1489 *et seq.*
- previous unauthorized act will not estop from acting in public capacity, 1652 n.
- presiding officer of council, 511. (See COUNCIL; PRESIDING OFFICER.)
- right of clerk to amend record, 551-554.
- pecuniary interest as affecting right to vote, 541.
- discretionary power to grant license or permit, 598.
- powers and duties of city attorney or corporation counsel, 389.
- power of police officers to make arrests upon view, 390, 391.
- conveyance of real property by, 998 n.
- power to make contracts for corporation, 775, 777, 784, 792.
- action in contracting must be corporate, not individual, 788.
- pecuniary interest in contracts, 772.
- disqualifying interest of officer in municipal contract, 773.
- invalidity of contract resulting from pecuniary interest of officer, 773.
- power to resign and contract after resignation, 773 n.
- contract to pay premium for performing duty, 792.
- fraud and mistake; misrepresentations by municipal officers, 780.
- power to determine performance of conditions precedent to issuance of bonds, 905-916.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# OFFICE AND OFFICER — *continued*.

## VII. POWERS AND DUTIES — *continued*.

power to make recital in municipal bond, 927.

persons in office at time of delivery to sign bonds, 888.

issuance of bonds by *de facto* officers, 887.

signature of bonds by *de facto* officers, 888.

acts of *de facto* officers valid, 360 n., 374 n., 395, 412 n., 422, 485 n., 518, 887, 888, 1377 n., 1536 n., 1554 n., 1650 n.

no *de facto* officer unless there be a *de jure* office, 518, 916 n., 1554 n.

*mandamus* will lie to *de facto* officers, 1554 n.

mandatory legislation as to hours of labor, wages, and union labor, 118.

power of mayor to sue to restrain illegal acts of officers in violation of law, 1573 n.

acts and declarations of officers as evidence, 435, 562 n. (See EVIDENCE.)

*mandamus* to municipal officers, 1480 *et seq.* (See MANDAMUS.)

to compel holding of election, 1495, 1496.

to canvass vote, 1497.

to assume office, 1498.

to compel admission to office, 1499, 1500.

to enforce delivery and inspection of books and records, 559, 1505.

judgment in *mandamus*, when binding on official successor, 1546.

## VIII. PERSONAL LIABILITY OF OFFICERS,

personal liability of public officers, 387 n., 429 n., 433-444, 482 n., 583, 777 n., 785-788, 1517, 1562 n., 1575 n., 1655 n.

to corporation and others, 433.

to account for moneys received, 434.

for misfeasance in issuance of warrants, 864.

for non-feasance of public duty, 436, 437.

for failure to repair streets and highways, 438.

for discretionary or *quasi-judicial* acts, 439.

for negligent or tortious acts; misfeasance, 440.

for ministerial acts, 441.

for refusing to receive votes, 440 n.

for acts of subordinates; *respondeat superior*, 442.

for adoption of ordinances, 429 n., 583.

under contracts, 785-787.

for making *ultra vires* contract, 443.

for refusal to levy tax, 444.

tax collectors' personal liability to third persons, 440 n.

cases relating to liability of public officers cited, 1517.

in actions against, records or authenticated copies competent evidence, 561.

power to indemnify officers, 307, 308, 777 n.

for expense of defending action, 824 n.

whether subject to garnishment process, 249.

enforcing obedience to writ of *mandamus*, 1543-1546.

indictment of officers, 440 n., 824 n., 1597-1600.

bribery of officer, conflict between general law and charter provision, 235 n.

## IX. CORPORATE LIABILITY FOR ACTS OF OFFICERS. (See also ACTION AND LIABILITY; CONTRACTS; NEGLIGENCE; STREETS; TORTS.)

torts of officers, when binding on corporation, 1638 *et seq.*, 1655, 1656, 1660-1668. (See TORTS.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

OFFICE AND OFFICER — *continued*.

IX. CORPORATE LIABILITY FOR ACTS OF OFFICERS — *continued*.

- liability for trespass by *de facto* officers, 1650 n.
- exemption from prospective liability for non-feasance of officers, 104 n.
- liability of corporation for omissions of officers, 1610 n.
  - for default or neglect of town clerk, 1664 n.
  - of corporation upon unauthorized contracts, 1610.
  - of corporation to officer, 429, 1487.
- declarations and admissions of officers as evidence, 435.
- misconduct of officers not ground of forfeiture of charter, 333.
- notice to officers, when corporation bound, 435 n. (See NOTICE.)

OFFICIAL BOND. (See BONDS; OATH.)

OFFICIAL NEWSPAPER,

- designation of, 603 n.

OIL FACTORY,

- whether or not a nuisance, 684 n.

OILS,

- ordinances regulating sale of combustible oils, 727 n.

OLEOMARGARINE,

- prohibition of manufacture and sale under police power, 301 n.

OMNIBUSES. (See VEHICLES.)

- regulation of, etc., 595, 663, 668 n., 712.

OPENING STREETS. (See EMINENT DOMAIN; LOCAL IMPROVEMENTS;  
SPECIAL ASSESSMENTS; STREETS.)

ORDERS OR WARRANTS. (See WARRANTS.)

ORDINANCES OR BY-LAWS,

I. POWER TO ENACT,

- term defined, 570.
- "by-law" and "ordinance" equivalent words, 570.
- resolutions and ordinances discriminated, 571, 1402 n.
- delegated authority to enact, 573.
- constitutional grant of power to enact, not subject to legislative control,  
573 n.
- not within prohibition of special acts, 166.
- not within constitutional provision as to title of acts, 72.
- legislative powers cannot be surrendered or bargained away, 245.
- city cannot divest itself of duty to keep streets safe, 1720 n.
- construction of grants of authority to enact, 585.
- incidental power of municipality to enact, 585, 586 n., 589.
- special and general grants of authority to enact, 586.
- rule for ascertaining extent of power to pass, 586 n.
- delegation of legislative power to boards of health and other administrative  
bodies, 574.
- rules and regulations of boards of health and other administrative boards,  
574.
- ordinances relating to public offences, 630-633.
- continuing offences, 615 n.
- conferring discretionary powers on city officers, 598.
- discretionary power to grant license or permit, 598.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## ORDINANCES OR BY-LAWS — *continued*.

### I. POWER TO ENACT — *continued*.

- ordinances denouncing statutory offences, 633.
- concurrent prohibition of offences by statute and ordinance, 630-633.
- power of legislature to validate void ordinance, 129 n., 589 n., 645, 1383 n., 1469 n.
- power of council to validate by subsequent acts of affirmance, 1383 n., 1469 n.
- ratification of contract invalid because of delegation of powers, 244 n.
- right to enact not reviewable by *quo warranto*, 650 n.
- term does not include grant of lands, 645 n.
- unauthorized ordinances not ground to forfeit charter, 1558 n.

### II. WHEN AN ORDINANCE IS NECESSARY,

- resolutions and ordinances distinguished, 571; 1402 n.
- when resolution will have effect as ordinance, 571.
- when an ordinance is necessary, 572.
  - to contract for water or light, 1303 n.
  - to ratify contract, 799 n.
  - for opening street, 1040 n.
  - to establish grade, 1677 n.
  - to authorize conveyance of real property, 998 n.
  - to lease city property, 997 n.
  - for issuance of bonds, 889 n.
- what are ordinances of permanent nature? 576 n.
- ordinance for opening street is of permanent nature, 576 n.
- grant of street railway franchise is "by-law of permanent nature," 576 n.
- licensing liquor trade must be by ordinance, not resolution, 674 n.
- power to make contract by, 784.
- when street improvement may be authorized by resolution, 1402 n.
- cannot be repealed or amended by resolution, 572.
- when necessary to repeal contract made by ordinance, 820 n.

### III. ESSENTIALS TO VALIDITY; REASONABLENESS,

- must be reasonable and lawful, 589, 590.
- when deemed unreasonable, 591.
- must not be oppressive, 592.
- must be impartial, fair and general, 593, 594 n.
- in violation of the Fourteenth Amendment, 589 n.
- validity when unreasonable as applied to particular state of facts, 592 n.
- discriminating provisions, 593.
- may regulate but not restrain trade, 589 n., 592 n., 594, 709.
- void when a regulation of commerce, 589 n.
- cannot be sustained on the ground of long-continued usage, 595.
- customs in restraint of trade, 595.
- must not contravene common right, 589 n., 596, 597.
- express authority to adopt ordinance otherwise unreasonable, 600.
- must be consistent with public legislative policy, 601, 602.
- creating monopolies invalid, 668. (See MONOPOLIES.)
- cannot enlarge or change charter or statute, 587, 601, 1145, 1384.
- may further regulate subjects already regulated by statute, 601 n.
- may supersede State law within corporate limits, 587 n.
- to be construed reasonably, 646.
- may be void for uncertainty, 646 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ORDINANCES OR BY-LAWS — *continued*.**

**III. ESSENTIALS TO VALIDITY; REASONABLENESS — *continued*.**

void in part, 647.  
presumption of validity, 649.  
estoppel of city to question validity, 575 n.  
validation of ordinance by subsequent filing of certificates of election, 575 n.,  
curative effect of re-enactment and re-publication, 603 n.  
impeaching validity for fraud, 778.  
judicial inquiry into motives influencing vacation of street, 1160.  
ratification of illegal ordinances by legislature, 645.  
province of court and jury, in determining validity, 599.  
injunction against enforcement of invalid ordinances, 582, 650, 1573 n.,  
1590 n.

*quo warranto* to try validity of, 1556 n., 1559 n.

*certiorari* to annul order or resolution, 1593 n.

**IV. ENACTMENT; FORM; RECORD; PUBLICATION,**

"only one object which shall be expressed in the title," 577.  
need not recite authority to pass, 588, 1037.  
must be adopted by proper body and in prescribed mode, 501, 515, 575.  
individual consent not sufficient for adoption, 501.  
passed at town meeting not duly warned are void, 509 n.  
disqualification of councilman by pecuniary interest, 541, 575 n., 772, 773.  
power to adopt and mode of exercising it, 570 n., 573, 712 n.  
ordaining clause not essential to validity, 575.  
publication of proposed ordinance before adoption, 576.  
amendment after introduction in material respects, 576.  
requirement of three readings on different days, 576.  
construction of provision as to majority vote, 521, 523 n.  
unanimous consent to consideration, 576 n.  
not invalid because a parliamentary rule violated, 536 n.  
charter requirement of ayes and nays, 540.  
mandatory requirements as to procedure, 576.  
when assent of mayor is necessary, 515.  
approval of mayor, 578.  
power of acting mayor to approve, 578 n.  
time and manner of presentment to mayor, 578.  
approval by mayor before recording and attestation, 607 n.  
to be approved by mayor in office at time of passage, 578 n.  
parol evidence to prove signing by mayor, 578 n.  
approval by mayor entered as of a date prior to passage, 603 n.  
signing minutes not equivalent to signing resolution, 603 n.  
refusal of mayor to sign ordinance because not present at meeting, 514 n.  
passage over mayor's veto, 578.  
signing and recording, 607.  
authentication by *ex-officio* clerk, 603 n.  
when publication is required, 603.  
publication of by-law by order of the clerk, 604.  
publication of ordinance for local improvement, 1457 n.  
alternate modes of publication, 604.  
time and method of publication, 605.  
what is sufficient publication, 605.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# ORDINANCES OR BY-LAWS — *continued*.

## IV. ENACTMENT; FORM; RECORD; PUBLICATION — *continued*.

- publication on Sunday, 605 n.
- publication before mayor's approval insufficient, 603 n.
- mandamus* to compel publication, 603 n.
- proof of publication, 579 n., 604 n., 606, 770 n.
- parol proof of publication, 606 n.
- not judicially noticed, 231.
- evidence of existence and adoption, 579, 606, 648.
- extrinsic evidence to prove passage, 554, 557 n., 579. (See EVIDENCE.)
- parol evidence to establish passage of, 557 n.
- presumption that law complied with in passage, 579.
- jurisdiction of equity to enjoin enactment of invalid ordinances, 582.
- motives for adopting ordinances not subject to judicial inquiry, 580, 581, 583.

## V. DURATION; REPEAL,

- duration and repeal of ordinances, 584.
- power to make includes power to repeal, 584.
- when existing ordinance not affected by change of charter, 233, 584 n.
- effect of enlargement of corporate limits, 355 n.
  - of repeal on vested rights, 584.
  - on pending prosecution, 584 n.
- repeal as affecting warrants issued under ordinance, 851 n.
- granting franchises are contracts protected against impairment, 1306.
- power to revoke cannot be conferred on court, 95 n.
- revival by repeal of repealing ordinance, 584 n.

## VI. CONSTRUCTION; EFFECT AS LAWS,

- force and effect of, as laws, 573, 712 n.
- on whom binding, 627-629.
- bind all within corporate limits, 628.
- persons chargeable with notice of, 629.
- whether non-resident can be bound, 595 n., 620 n., 627, 628.
- whether party resides within limits embraced by, question of fact, 628 n.
- contemporaneous construction of, 646 n.
- rule in construing, 570 n., 575 n.
- should be reasonably construed, 646.
- power of police officer to arrest upon view, 390, 391.
- penalty imposed by, amounts to a prohibition, 573.
- unnecessary when charter prohibition is complete, 573 n.
- may be adopted to take effect in the future, 575.
- contracts in violation of, illegal, 573 n.
- sales under void, purchaser may recover back purchase money, 1615.
- when ordinance becomes a contract, 771 n., 784, 817, 944 n., 1236 n., 1240 n., 1306.
- fixing salaries not in nature of contracts, 423.

## VII. FINES AND PENALTIES,

- charter mode governs, 611, 612.
- statutory regulation of fines and penalties under ordinance, 609.
- power to impose fines, penalties and forfeitures, 608-625.
  - to make implies power to impose pecuniary penalties, 575 n., 612 n.
  - to enforce by imprisonment, 625, 647 n.
  - to fine does not include power to forfeit, 618.



, [The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ORDINANCES OR BY-LAWS — *continued*.**

**VII. FINES AND PENALTIES — *continued*.**

- power of forfeiture must be expressly conferred, 617, 711.
- implied power to annex pecuniary penalties, 610.
- limitation of amount of penalty, 615, 616.
- penalty may be within fixed limits, 613.
- single offence cannot be made double, 614.
- forfeiture; when judicial procedure necessary, 619-623.
- forfeiture of animals at large; notice; legal proceedings, 620-623.
- enforcement by distress and sale of property, 625 n.
- relief against valid forfeitures in equity, 624.
- power to enforce costs as part of penalty, 626.
- remedy to prevent collection of fine for violation, 611.

**VIII. ENFORCEMENT; VIOLATIONS,**

- mode of enforcing ordinances, 634, 749. (See MUNICIPAL COURTS.)
- charter mode of enforcing by-laws governs, 611, 612, 636.
- enforcement; civil action and complaint, 634-637.
  - nature of proceeding, civil or criminal, 637, 638.
  - costs to defendant, 638.
  - mode of pleading ordinances, 639.
  - whether courts will take judicial notice of, 639, 648 n.
  - requisites of complaint, 640.
- action in corporate name, 642.
- prescribed method to be followed; demand; notice, 642.
- mode of procedure; defences; evidence, etc., 643.
- must be pleaded and proved, 231.
- corporate existence cannot be questioned, 644.
- violations; jurisdiction of municipal courts, 744.
- how and in what name violations to be prosecuted, 746.
- proof of ordinances, 648.
- violations; summary procedure; jury trial, 745, 749.
- violations prosecuted in whose name, 746.
- injunction against enforcement of, 582, 612 n., 646, 650, 1573 n.
- several breaches may be sued for in one suit, 639 n.
- license of peddler does not authorize violation of, 712 n.
- as to power to contract to enforce ordinances, 704, 1629 n.

**IX. ON SPECIFIC SUBJECTS,**

- enactment under police power and general welfare clause, 718, 720.
  - under power to preserve good order, 725, 729.
  - under general power to make needful and salutary by-laws, 713, 715.
- in respect to election of municipal officers, 385. (See ELECTIONS.)
- providing for special tribunal to decide election contests, 378, 380 n.
- may be passed after election has been held, 378.
- licensing and regulating occupations, 661-668, 1408.
- nature of power to "license" and "tax," etc., 661-664, 667, 1408.
- prohibiting certain sales without license, 1408 n.
- penal ordinance requiring auctioneers to procure licenses, 718 n.
- use and control of private property, 695.
- use of streets, 712, 713.
- traffic in streets, 1166.
- speed of travel in public streets, 712, 1272 n.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ORDINANCES OR BY-LAWS — *continued*.**

**IX. ON SPECIFIC SUBJECTS — *continued*.**

- regulating or prohibiting roller skating on streets, 1166 n.
- license fees for vehicles using streets, 1166.
- regulating vehicles at railroad depots, theatres, etc., 1166 n.
- regulating hawking and peddling in city streets, 1166 n.
- use of streets for removing buildings, 715.
  - for deposit of building materials, 1171-1173.
  - for market-stands, 704.
  - for parades, singing, speech-making, etc., 598 n.
- imposing fines for wilful injuries to streets, 1162.
- removal of snow from sidewalk, 713, 1697 n., 1704 n., 1726 n. (See SNOW AND ICE; STREETS.)
- regulating speed of railway trains, 716, 1272.
- operation of railroads, 717.
- declaring misdemeanor for water or light company to make excessive charge, 1325.
- regulating weight and price of bread, 661 n., 711.
- automobiles, 714.
- billiards and pool tables, 731.
- bowling alleys, 731.
- cemeteries and burials, 682, 683.
- dogs, 724.
- fire limits, 727.
- gaming and gambling houses, 730.
- health ordinances, 677.
- height of buildings, 696.
- hogs and swine, 693.
- hoistways, 728.
- hospitals, 681.
- houses of ill-fame, 686.
- inspection ordinances, 602, 616, 709, 711.
- liquor trade, 669-676.
- markets, 699-708.
- nuisances, 684-690.
- observance of Sabbath, 719.
- quarantine regulations, 680, 681 n.
- removal and disposal of garbage and refuse matter, 678.
- removal and disposal of carcasses of animals, 679.
- shade trees in streets, 721.
- signs and bill boards, 697.
- slaughter-houses, 691.
- stables, 692.
- storage of gunpowder, 726.
- strays, 723.
- suppression of smoke nuisance, 694.
- tenement houses, 698.
- vagrants, 722.
- weighing, 710, 711.

**X. LIABILITY,**

- negligence in executing, 1627.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**ORDINANCES OR BY-LAWS — *continued*.**

**X. LIABILITY — *continued*.**

- for failure to enforce, 1627.
- for failure to observe ordinances, 1629, 1655 n.
- of city for enforcement of void ordinance, 1656.
  - for acts of police officers in enforcing, 1656.
  - for wrongful seizure of property for violation of ordinance, 1652.
- of legislative officers for adoption of, 429 n., 583.

**ORNAMENTAL PURPOSES,**

- acquiring and holding property for, 970, 1035.
- dedicating property for, 1100.
- regulation of use of private property for æsthetic considerations, 695.

**ORPHANS,**

- devises for support of, 988 n.
- devise to city in trust for education and support of, 983.

**PARADES,**

- ordinances prohibiting or regulating in streets, 598 n.

**PARISH,**

- capacity of parish in Massachusetts, to take devise for school purposes, 988 n.

**PARKS. (See CITY PURPOSES; DEDICATION; EMINENT DOMAIN.)**

- a municipal affair, 165.
- matters of local concern, 119.
- legislative control of, 117.
- transfer of control of streets to park commissioners, 1122 n., 1138 n.
- demolition of reservoir and conversion of land into park, 111.
- authority to establish in cities having free-holders' charters, 63.
- power to acquire lands for, 976 n.
- county may create debt to establish, 1034 n.
- taking private property for, 1094.
- power to purchase lands beyond city limits for, 980.
  - to acquire lands for, beyond city limits, 980 n.
  - of city to condemn lands beyond municipal limits, 980 n., 1028, 1034 n.
- lease of lands for use of public park, 997 n.
- lease of lands to city for amusement purposes for profit, 977 n.
- dedication of lands for use as, 1095.
  - for use as a common, 1078.
- effect of dedication of lands as a common, 1073.
- dedication by marking on plat, 1095 n., 1096, 1100 n.
- reclamation of submerged lands after dedication, 1077 n.
- park uses, 1096.
- laying out and improvement of parks, 1096.
- erection of city halls, court houses, schools, etc., in, 1096.
  - art galleries, libraries, etc., in, 1096.
- lease of park lands for hotel purposes, 997 n.
  - for restaurant purposes, 997 n.
  - for training horses and horse racing, 997 n.
- prohibiting bicycles in, 665 n.
- consent of local authorities to construction of street railway in, 1227 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PARKS — *continued*.**

- construction of water pipes in, 1212 n.
- devise for erection of drinking fountain, 981 n.
- pumping station not a park use, 1156 n.
- restrictions on use of property abutting on, 695.
- establishing building line on private property on parkway, 695.
- rights and liabilities of municipality and abutting owners, 1034 n.
- injunction by owner of land fronting park, 1095 n.
- statute validating vacation of, 1160 n.
- power of legislature to authorize alienation of, 1024 n.
- alienation of, by statutory authority, 1103 n.
- lease of city park to mayor void, 772 n.
- power of city to sell lands before dedication to park purposes, 991 n.
- exercise of power of eminent domain for, 1023 n., 1034, 1038.
  - measure of compensation, 1062 n.
- taxation for park purposes in Illinois, 1372 n.
- special assessments against property benefited, 1440 n.
  - against railroad property, 1451 n.
  - against park lands, 1446 n.
- liability of city for negligent maintenance, 1659.
- municipal liability for displays of fireworks in, 1703 n.

**PARK COMMISSIONERS. (See OFFICE AND OFFICER.)**

- not municipal officers, 97 n., 1372 n.
- power of legislature to appoint, 101, 119.
- use of city's name in suits, 1034 n.
- power of eminent domain may be delegated to, 1038 n.
- control of streets may be transferred to, 1122 n., 1138 n.
- delegation of control of streets by city to, 1161 n.

**PARKWAYS,**

- power to construct in streets, 1150.

**PARLIAMENT. (See CHARTER; MUNICIPAL CORPORATIONS REFORM ACTS.)**

- may grant extraordinary powers, 51.
  - confirm void clauses in royal charters, 51.
  - change royal charters, 52.
- unlimited power over municipal corporations, 52, 108.

**PAROL EVIDENCE. (See EVIDENCE; RECORDS AND DOCUMENTS.)**

- of adoption of ordinance, 579.
- to prove signing of ordinance by mayor, 578 n.
- of publication of ordinance, 606 n.
- of resolutions of council, 607 n.
- to explain, vary or contradict records of corporate meeting, 555, 556.
- of facts omitted from record, 557, 558.
- dedication may be established by, 1079.
- inadmissible to prove vacation of street, 1160 n.

**PARTITION,**

- dedication of lands in, 1074 n.

**PARTIES. (See ACTION AND LIABILITY; ATTORNEY-GENERAL; EQUITY; INJUNCTION; NAME; PLEADINGS.)**

- to suits to restrain illegal corporate acts, 1574 *et seq.*

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PARTIES — *continued*.**

in municipal courts at common-law, 741.

**PARTNERSHIP,**

rights of municipality under authorized co-partnership, 815.

contracts with firms of which officer is a member, 773.

**PARTY WALLS,**

special power to regulate, 311.

**PAR VALUE,**

sale of bonds at, 895.

includes accrued interest to date of delivery, 895.

sale below, rights of purchaser, 879, 918.

**PATENTS FOR INVENTIONS,**

contracts for patented articles, 802 n., 803, 805 n.

letting contracts involving, without competition, 803.

lowest bidder; patented pavement, 805.

injunction against letting contract for patented article, 1573 n., 1577 n.

municipal liability for infringing, 1645 n.

**PAUPERS. (See POOR; VAGRANTS.)**

implied contract to pay for support, 793 n.

**PAVING. (See STREETS; SPECIAL ASSESSMENTS.)**

power of city to manufacture paving bricks, 1292 n.

to operate quarry for paving stone, 1292 n.

power to purchase paving materials, 819.

stipulations by contractor to maintain pavements in repair, 829.

use of patented materials in, 803 n.

**PAWN BROKERS,**

power to regulate and license, 662 n.

regulating hours of business, 661 n.

**PAYMENT,**

of debts compelled, 123, 124.

of warrants on treasury, 853.

order of payment of warrants, 859.

of interest on indebtedness, 867.

of interest on void bond, effect, 933, 951.

city not obliged to seek creditor, 867 n.

taxpayer's action to restrain audit and payment of claim, 1585 n.

of illegal taxes, recovery back, 1616 *et seq.*

taxes voluntarily paid cannot be recovered, 1619-1624.

**PEACE. (See ARREST; DISORDERLY CONDUCT; ORDINANCES; POLICE POWER.)**

**PEDDLERS. (See also HAWKERS.)**

defined, 1356 n.

power to regulate and license, 589 n., 662 n., 663 n.

license of, does not authorize violation of ordinance, 712 n.

regulating use of public streets, 712 n., 1166 n.

taxation of, 1356.

interstate commerce, 1356.

**PEDESTRIANS,**

and vehicles have right of passage over streets in common, 1163 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-909; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PENAL LAWS,**

term construed, 637 n.

**PENALTIES.** (See also **FINES; FORFEITURES.**)

power to impose by ordinance, 608.

statutory regulation of penalties under ordinance, 609.

charter mode governs provisions of ordinances, 611, 612.

may be within fixed limits under ordinances, 613.

sliding scale, 609 n.

limitation of amount of penalty, 615, 616.

power to impose costs by ordinance as part of penalty, 628.

single offence cannot be made double, 614.

separate penalties for daily maintenance of gaming house, 730.

power to impose for non-payment of taxes, 1417 n.

for failure to supply water or light to consumer, 1317.

for breach of rules or regulations by consumers of water or light, 1319.

under ordinances; action for in corporate name, 642.

mode of procedure, evidence, etc., 643.

**PENSIONS,**

for municipal services; constitutionality, 430.

legislative control over right, 431.

when right to pension accrues, 432.

creation of pension board, validity, 1374 n.

**PERCOLATING WATER,**

diversion of subsurface water by municipal waterworks, 1341.

**PERSONAL LIABILITY,**

of public officers, 436-444, 583, 785-788, 1517. (See **OFFICE AND OFFICER.**)

of abutters for special assessments, 1453.

**PERSONAL PROPERTY,**

taxation of, 1385 *et seq.*

**PEST HOUSE.** (See **HOSPITALS.**)

power to regulate, 681.

liability in respect of, 1661.

damages for erection near plaintiff's premises, 684 n.

**PETITION,**

"owner" who is, 1147.

of property owners for street improvements, 826, 1448 n., 1454.

estoppel by signing petition, 1456.

for change of grade, signer estopped to claim damages, 1151-1156 n., 1454 n., 1677 n.

combination among parties petitioning, 1449 n.

**PETTY OFFENCES.** (See **CONVICTION; CRIMINAL OFFENCES; JURY; MUNICIPAL COURTS; OFFENCES.**)

trial without jury, 749, 750.

**PHILADELPHIA,**

bequest for erection and support of hospital, 987.

as trustee of trusts under Girard's will, 131, 338 n., 982 n., 983.

**PHOENICIAN CITIES,**

historical view, 1.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PHOTOGRAPHS,**

power of corporation counsel to order, 824 n.

**PHYSICIANS,**

contracts with, without advertisement or competition, 802.

**PICNICS,**

public, not nuisances *per se*, 690 n.

**PILOTS,**

municipal regulations conflicting with federal law, 261 n.

**"PLACE,"**

or square in city defined, 1097 n.

**PLAN.** (See BRIDGES; DEDICATION; PLAT; SEWERS AND DRAINS; STREETS.)

mapping or platting streets as a taking of land, 1029.

liability as to plan of making improvements, 1626, 1707 n.

liability where plan of sewer defective, 1626 n., 1717 n., 1733 n., 1739-1745.

defective plan of street, 1707 n.

negligence in adopting insufficient plan for bridge, 1688 n., 1689 n., 1717 n.

**PLANK ROAD.** (See TURNPIKE ROAD.)

in street of city, 1141 n., 1264 n.

municipal control over, 1138 n.

general welfare clause does not authorize city to construct, 719.

power of city to sell stock in plank road company, 991 n.

**PLAT,**

dedication by platting and sale of lands, 1079, 1083, 1085.

as evidence of intention to dedicate, 1071 n., 1073, 1079, 1085.

laying off and recording town plat, effect, 1135.

extent of interest acquired by purchaser under sale according to plat, 1084.

title to fee of street under sale according to plat, 1084.

interest of purchaser in all streets shown on plat, 1084.

power of owner to rescind dedication, 1090.

dedication by platting and sale; necessity of acceptance by public, 1090.

effect of acting on unsigned and unacknowledged plat, 1071 n.

dedication of public square by marking on plat, 1097.

dedication for park uses by marking on plat, 1096.

authentication of town plats and maps, 1071 n.

acknowledgment of plats and maps, 1071 n.

validating defective plats by statute, 1071 n.

**PLAZA.** (See PARKS; SQUARES.)

**PLAYGROUNDS,**

dedication of lands for purposes of recreation and ornament, 1100.

**PLEADING.** (See ORDINANCES; PARTIES; PRACTICE; TAXPAYERS' ACTIONS.)

mode of enforcing ordinances, 634-648.

necessity of pleading ordinances, 639.

mode of pleading ordinances, 639.

notice of enactment of ordinance, 642.

requisites of complaints, 640, 641.

mode of procedure, defences, etc., 643-648.

mode of procedure on bonds and coupons, 871 n., 881 n.

authority to issue municipal bond, 881.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PLEADING** — *continued*.

- charter need not be specially pleaded, 231.
- acts, votes, and ordinances must be pleaded, 231, 639.
- action must be in corporate name, 642.
- not necessary to aver demand or notice, 642.
- defendant's plea or answer in *quo warranto*, 1555.
- answer of corporation to bill in equity need not be signed by officer, 1575 n.

**PLEDGE,**

- of city property within limitation of indebtedness, 199.
- rights of purchaser of pledged warrant, 858 n.
- sale of municipal warrants pledged as collateral, 856 n.

**PLUMBING,**

- power of city to engage in plumbing business, 1292.

**POLES, TELEGRAPH.** (See **TELEGRAPH AND TELEPHONE COMPANIES.**)

**POLICE COURTS AND MAGISTRATES.** (See **MUNICIPAL COURTS.**)

- provisions of free-holders' charters as to, 63 n.

**POLICE JURIES,**

- in Louisiana, are municipal corporations, 34 n.

**POLICE DEPARTMENT AND OFFICERS.** (See **OFFICE AND OFFICERS.**)

- are State, not municipal, officers, 97, 98, 99, 103, 390, 1656.
- mode of appointment and payment, 103, 104, 390 n.
- extent of legislative control over, 103, 390 n.
- power of legislature to appoint police commissioners, 97 n.
- organization of police force under free-holders' charter, 63 n.
- control of, a municipal affair, 165.
- power to impose police expenses on city, 1371 n.
- contribution by county to expense of city police force, 104.
- power of city to appoint may be implied, 390 n., 719 n.
- maintenance of police force committed to corporate authorities, 104 n.
- taxation of saloon keepers for maintenance of police force, 104 n.
- power of police commissioners to issue certificates of indebtedness, 115 n.
- police judge held (in California) to be a municipal officer, 385 n., 390 n.
- police officers not known to common law, 390.
- powers, duties, and liabilities, 390, 391.
- private persons not compellable to pay, 720.
- mode of payment of officers, 104.
- right to advantage from benefit fund, 432 n.
- cause for removal of officer, 477 n.
- powers in regulation of traffic in streets, 1166.
  - regulating vehicles at railroad depots, theatres, etc., 1166 n.
- assignment of police officers to theatres, circuses, etc., 720.
- power to arrest offenders on view, 390, 391, 640 n. (See **ARREST.**)
- liability of city for acts of police officers, 1656.
  - for not furnishing police force adequate to emergency, 1656 n.
- person injured in aiding, has no remedy against city, 1656.
- liability for negligence in maintaining police station, 1656.
- liability to prisoners for injuries caused by unsanitary and defective prisons, etc., 1656.
- police boat not subject to seizure under lien for wharfage, 993 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**POLICE POWER AND REGULATIONS,**

**I. SCOPE; GENERAL PRINCIPLES,**

- nature and extent of power, 301, 1014. (See **FOURTEENTH AMENDMENT.**)
- what may be done under police power, 92 n., 115 n., 301, 302.
- police regulation and taxation, distinction between, 661-664, 1408.
- power to tax not included, 1378, 1408.
- distinguished from right of eminent domain, 301.
- right of property must not be invaded, 301 n.
- subject to Federal constitution, 302.
- cannot extend to interstate transportation, 302.
- authority of municipality outside of corporate limits, 354 n.
- ordinances exercising police power, 601, 660-731.
- ordinances under general welfare clause, 718.
- limitation of power under general welfare clause, 720.
- power under authority to preserve good order, etc., 725.
- preservation of order, 729.
- regulation of occupations, 661, 662, 665, 666.
- prohibition of businesses in specified districts of city, 665.
- nature of power to license, 661.
- power to license must be plainly conferred, 667.
- monopolies not to be created under power to license, 668.
- regulation of use and control of private property, 695.
- construction of sewers under, 1461.
- filling and grading low lying lots, 1442.
- penalties for breach of, may be enforced summarily, 637.
- city may prescribe fine for injury to public property, 1162.
- in making exclusive grant legislature does not part with, 1214, 1218 n.
- city not liable for acts of officers in attempting to enforce, 1656 n.

**II. LIQUOR TRAFFIC,**

- power to regulate or license sale, 669, 674.
  - under general welfare clause, 671.
- power to prohibit sale of liquors, 669, 673.
- effect of general laws respecting liquor trade, 670.
- regulation of saloons, etc., under general welfare clause, 672.
- power to prescribe qualifications of liquor dealers, 675.
- amount of license fees for liquor saloons, 676.

**III. NUISANCES,**

- general power over nuisances, 685.
- power to prevent and abate, 684, 685, 687, 689, 690.
- power to demolish; indictment, 688.
- upon rivers within city limits, 687.
- smoke nuisance, 694.

**IV. USE OF STREETS,**

- regulation of use of streets, 712.
- traffic in streets, 1166.
- regulating speed of travel, 712, 1272 n.
  - automobiles, 714.
  - vehicles at railroad depots, theatres, etc., 1166 n.
- roller skating on streets for sport, 1166 n.
- singing, etc., in streets, 632 n., 589 n., 609 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## POLICE POWER AND REGULATIONS — *continued*.

### IV. USE OF STREETS — *continued*.

- placing show-boards and carrying placards on sidewalks, 589 n., 713 n.
- to compel clearing of snow from streets, 713. (See SNOW AND ICE.)
- removal of buildings, 715.
- municipal control of public utilities in streets, 1272.
- removal of overhead wires, 1220 n., 1274.
- permits to open streets for construction of public utility, 1273.
- charges for inspection and supervision of public utilities in streets, 1275.
- how franchise rights in street affected by, 1269.
- franchises in streets; reasonableness of regulation, 1269, 1270.
- exclusive grant of right to supply gas subject to police power, 1214.
- rate of speed of railway trains; obstructions, 1272.

### V. SPECIFIC SUBJECTS,

- animals running at large, 592 n. (See ANIMALS.)
- automobiles, 714.
- billiard and pool tables, 731.
- bowling alleys, 731.
- cemeteries and burials, 682, 683.
- dogs, 724.
- gaming and gambling houses, 730.
- health ordinances, 677.
- height of buildings, 696.
- hogs and swine, 693.
- hospitals, 681.
- houses of ill fame, 686.
- inspection ordinances, 709.
- laundries, 301 n., 589 n., 661 n., 672.
- markets and marketmen, 699-708.
- observance of the Sabbath, 719.
- public weighing, 710, 711.
- quarantine regulations, 680.
- railroad companies, 592 n., 716, 717, 1232, 1239, 1247 n., 1272, 1280.
- operation of railroad, 717.
- speed of trains; obstructions, 716, 1272.
- removal and disposal of carcasses of animals, 679.
- garbage and refuse matter, 678.
- removing buildings, 715.
- growing of rice within corporate limits, valid, 685 n.
- signs and billboards, 697.
- slaughter houses, 691.
- smoke nuisance, 694.
- stables, 692.
- storage of gunpowder, 726.
- strays, 723.
- tenement houses, 698.
- trading stamps and premiums, 666 n.
- vagrants, 722.

### POLITICAL AFFILIATIONS,

- as cause for removal from office, 477 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**POLITICAL TESTS,**

as qualification for office, 372.

**POLL TAX,**

validity of, 1371 n.

levy of, by municipality, 1407.

exemption from payment, 1407.

when mode of collection specified, 1416.

**POLLS. (See ELECTIONS.)**

effect of closing too soon, 374 n.

**POLLUTION,**

of waters by municipality, 1033 n.

contamination of water supply, 1316.

prevention of pollution of waters flowing from another state, 1295.

prohibition of boating in lake forming source of water supply, 1316 n.

indictment of municipality for depositing sewage in stream, 1316 n.

**POOL TABLES,**

regulation of, 731.

**POOR. (See VAGRANTS.)**

devises and gifts to corporations for the benefit of, valid, 981 *et seq.*

devise to city to educate poor, 984.

devise to city in trust for relief of poor emigrants, 986.

trusts for relief or aid of poor, 988.

duty to care for, 1487 n.

support of poor in case of division of town, 360 n.

liability to person who furnished pauper with necessities, 793 n.

**POPULATION,**

classifying municipalities by, 151.

determining, for purposes of classification, 153.

judicial notice of census, 231.

**PORCHES,**

maintenance of, in public streets, 1131, 1182, 1184, 1185.

**POUNDS,**

power to impound and forfeit animals, 310.

erection of building in street for market and, 684 n.

**POUND-KEEPERS,**

must comply strictly with requirements of law, 310.

public officers, 385 n.

appointment of, by municipality within township, 385 n.

**POWDER MAGAZINES,**

removal of, under police power, 302 n., 726.

in cities, when nuisances, 684 n.

**POWERS AND DUTIES. (See ACTS; CHARTER; CONSTITUTIONAL LAW;  
CONTRACTS; LEGISLATURE; ORDINANCES; ULTRA VIRES.)**

powers analyzed, 24.

classified, 33.

distinguished and qualified, 39. (See COUNTY; MUNICIPAL COR-  
PORATIONS; QUASI CORPORATIONS.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**POWERS AND DUTIES — *continued*.**

- parliament may grant extraordinary powers, 51.
- uniform powers under general acts, 61.
- prohibition of special acts conferring corporate powers, 71.
- authority of legislature in respect to municipal duties, 123.
- repeal or amendment by legislature, 233.
- power of legislature over public property, 111.
- legislative power to change trustees of library created by donation in trust, 982 n.
- what falls within scope of municipal powers, 104.
- defective execution may be remedied by legislature, 129 n.
- general power in charter does not interfere with vested rights, 236 n.
- how far inferred from usage and prescription, 240, 241.
- practical construction of, by municipalities, 241 n.
- powers strictly rather than liberally construed, 239 n.
- when doubtful, held not to exist, 237.
- must be expressly granted or necessarily implied, 237, 238, 239.
- construction of grants of, 237, 238, 239.
- distinction between public and private powers, 97, 109, 110, 119 n., 122 n., 1638-1646.
- extent of municipal powers, canons of construction, 234, 237-239, 239 n.
- public powers and trusts cannot be delegated, 244, 771 n., 1383.
- nor surrendered, 245, 792, 1236, 1720.
- legislative, cannot be surrendered or bargained away, 245.
- contracts involving surrender of legislative discretion, 792.
- must be exercised by proper body, 516. (See COUNCIL.)
- must conform to special delegation of authority, 515 n., 570 n.
- what powers local tribunals can exercise, 747.
- all persons bound to take notice of extent of, 777.
- special powers conferred by charter or by statute, 260 *et seq.*
- construction of general and special grants of authority, 585, 586.
- quo warranto* for illegal usurpation of, 1557.
- abuse of, restrained in equity, 1573-1575.
- no liability to private action for misconstruing powers, 1630. (See ACTION.)
- liability as to legislative powers, 1660.
- discretionary and mandatory, difference, 242, 246, 247, 1515, 1593.
- discretionary not ordinarily subject to judicial control, 242, 243, 273, 689, 818, 1296, 1302, 1489, 1515, 1573 n., 1600, 1620, 1627. (See INJUNCTION.)
- distinction as to enforcement by *mandamus*, 1489-1494, 1626.
- private and corporate interests, 39.
- duties, public and private distinguished, 97, 109, 110, 122 n., 1638-1646.
- when duty rests on corporation and when on officers, 247, 1665 n.
- what are municipal duties, 109 n.
- neglect of corporate duty, when actionable, 246 n., 1517, 1638 *et seq.*
- performance of, may be compelled by *mandamus*, 1489 *et seq.*, 1519.
- quo warranto* will not lie to enforce performance of, 1559.
- council may perform ministerial duties by agents, 244.
- judicial and ministerial discriminated, 1741.
- mandamus* to compel performance of mandatory duty, 1739 n.
- neglect of ministerial duties, liability, 1517, 1741.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PRACTICE.** (See PLEADING; PROCESS.)

mode of enforcing ordinances, 634-648.  
in *mandamus* proceedings, 1514, 1526-1546.  
in proceedings in *quo warranto*, 1567.

**PRESCRIPTION.** (See ADVERSE POSSESSION; LIMITATION OF ACTIONS.)

no prescriptive right as against public in public street, 1187-1194.  
intent to dedicate presumed from user for prescriptive period, 1080.

**PRESCRIPTIVE CORPORATIONS,**

in England, 50.  
in the United States, 55.

**PRESIDING OFFICER.** (See MEETINGS.)

right of mayor to preside, 53, 511-514. (See MAYOR.)  
power to maintain order, 512 n.  
approval of proceedings by, 512 n.  
signature to ordinances, 603.  
when presiding officer has casting vote, 511, 536 n.  
*mandamus* to mayor to compel performance of duty as, 1488 n.  
*quo warranto* to test right of, 1552.

**PRESUMPTION.** (See EVIDENCE.)

of corporate existence, 232.  
of incorporation under general law, 231 n.  
of due appointment of officer, 393.  
of regularity of meeting, 507 n., 538.  
as to regularity of adjournment, 535 n.  
of validity of ordinances, 649.  
of validity of warrants, 855.  
of dedication from long user, 1080.  
municipal consent to railroad in street presumed from long continued user, 1227.

**PREVENTION OF FIRES.** (See FIRE.)

**PRINCIPAL AND SURETY,**

power of city to become surety, 814.  
guarantee by city of bonds of electric lighting company, 1296 n., 1302 n.

**PRINTING,**

requirement of letting by competition inapplicable to publication of ordinances, 802 n.  
stipulations for employment of union labor, 808.  
assignment of contract for, 832 n.

**PRISON.** (See JAIL; PUBLIC BUILDINGS.)

power to condemn lands for site, 1039.  
liability of counties for escape from defective jail, 1640 n.  
liability to prisoners for injuries caused by unsanitary and defective prisons, etc., 1656.

**PRISONERS,**

punishment of persons who attempt to rescue, 725.

**PRIVATE CORPORATIONS.** (See CORPORATIONS.)

**PRIVATE ENTERPRISES,**

municipality cannot aid, 319, 321, 884.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PRIVATE PROPERTY.** (See EMINENT DOMAIN; PROPERTY.)

- use of public instrumentalities in, 771 n.
- power of city to sell and convey, 991.
- sale on execution against city, 992.
- power of city to mortgage, 996.
- leases of, 997.

**PRIVATE RIGHTS,**

- public and private rights distinguished, 109, 110.

**PROCESS.** (See PLEADING; PRACTICE.)

- inability to serve process upon city no excuse for not commencing action, 1188 n., 1523 n.
- service upon officer after resignation, 1522 n. (See RESIGNATION.)

**PROCESSIONS.** (See PARADES; POLICE POWER AND REGULATIONS.)

- ordinances prohibiting and regulating, 598 n.

**PRODUCTION AND DELIVERY,**

- of corporate records and documents, 559, 1505.

**PROFANE LANGUAGE,**

- corporation may punish for utterance of, 729 n.

**PROFESSIONS,**

- power to tax, 661, 1408-1412.

**PROHIBITION,**

- of sale of intoxicants, 69 n.
- against issue of additional bonds, when a contract, 113.
- of special acts conferring corporate powers, 71.
- penalty imposed by ordinance amounts to, 573.

**PROHIBITION, WRIT OF,**

- as remedy for illegal corporate acts, 1047 n., 1596.
- against mayor in cases of amotion, 481 n.
- title to office cannot be questioned on writ of prohibition, 1554 n.
- will not lie to prevent execution of contract for sidewalk, 1596 n.
- against illegal proceedings to acquire land, 1047 n.

**PROHIBITORY LIQUOR LAWS,**

- are valid, 301 n.

**PROOF.** (See EVIDENCE; PRESUMPTION; RECORDS AND DOCUMENTS.)

- corporate existence, how proved, 232.
- necessary to obtain reward, 299 n.
- of ordinances, 579, 604, 606, 648.

**PROPERTY.** (See CORPORATE PROPERTY; EMINENT DOMAIN; PUBLIC BUILDINGS.)

- corporate property, subject treated Chap. XXI, §§ 970-999.

**I. IN GENERAL; LEGISLATIVE CONTROL,**

- distinction between public and private property, 109-112, 115, 131, 335.
- extent of legislative control over corporate property, 103-131, 1487 n.
- private property of municipalities protected by Federal Constitution, 111 n., 112.
- property rights of New York City under ancient charters, 111.
- legislative authority over trust property held by municipality, 131, 982.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PROPERTY — *continued*.**

**I. IN GENERAL; LEGISLATIVE CONTROL — *continued*.**

- transfer to new corporation of property of old, 233 n.
- rights of municipality as riparian owner, 268, 977 n.
- use of public property in private service, 771 n.
- effect of repeal of charter or dissolution of corporation, 112.
- title to, on dissolution, 335.
- what property liable for debts on dissolution, 335. (See **DISSOLUTION.**)
- title to, on legislative extinction, 357.
- title to, on division of municipality, 358-360.
- change of name does not affect grants of property, 338 n., 974 n.
- nor enlargement of territory and reconstruction of powers, 970 n.
- estoppel and adverse possession as against municipalities, 977 n., 1187-1191.
- special powers construed, 977 n.
- charter and general law construed together, 977.
- rights of corporation as property holder distinct from its legislative rights, 991.
- taxation of municipal property, 92 n., 1396-1398. (See **TAXATION.**)
- special assessments against municipal lands, 1446.
- liability of municipality as property owner, 1671, 1673.
- for damage to private property, 1673.

**II. CAPACITY TO TAKE AND HOLD,**

- history of capacity of corporation respecting property, 970.
- under Roman jurisprudence, 970.
- in Europe and America, 971-973.
- legal capacity of grantee to take, 974.
- statutes of mortmain, 971, 975, 976.
- implied power to purchase and hold, 975, 976.
- power to acquire for speculation or profit, 977, 978.
- limitations on right to acquire and hold, 977, 978.
- corporations may be authorized to take in fee, 981 n.
- State alone can question right to hold, 990.
- grants to unincorporated communities, 974.
- grants upon condition subsequent, 979.
- forfeiture for breach of condition subsequent, 979.
- charter powers respecting property, 977, 978.
- city and county as tenants in common, 977 n.
- corporations classified with respect to power to take and hold, 977 n.
- implied power to purchase and hold, 977.
- incidental power to secure purchase-money by mortgage, 979 n.
- when conveyance passes full title, 977 n.
- grants of private property, 989.
- devises and grants for objects foreign to corporate purposes, 989.
- real estate beyond corporate limits, 980.
- lands in other States, 980 n.
- gifts and grants for benefit of municipality, 981.
- power to take and hold in trust, 982.
- for charitable uses, 982.
- devise to city in trust to educate and support orphans, 983.
- to educate poor children, 984, 985.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PROPERTY — *continued*.**

**II. CAPACITY TO TAKE AND HOLD — *continued*.**

devise to city in trust for relief of poor emigrants, 986.

for erection and support of hospital, 987.

title to land as ancillary to execution of public trust, 111.

instances of charitable trusts to cities sustained, 976-987. (See TRUSTEES.)

charitable trusts germane to corporate purposes, 988.

cannot execute trusts for objects *dehors* the corporate purposes, 989.

distinction between prohibition to take and prohibition to hold, 990 n.

**III. ALIENATION,**

power to alienate property of a private nature, 818, 981 n., 991, 1023.

restraint upon alienation, 985.

alienation and use of public property, 1102-1106, 1190. (See DEDICATION; STREETS.)

mode of alienation, 994.

"city slip cases" in California, 994.

sales under void ordinances, 994, 1615.

sale or lease to highest bidder, 995.

mortgages and leases of corporate property, 227, 801, 991 n., 996, 997, 1137.

conveyance of real estate, how executed, 998, 999.

requisites and proof of corporate conveyance, 998, 999.

liability on covenants of warranty when municipality has no right to convey, 998 n.

conveyance need not recite authority, 998 n.

improvident sale may be set aside, 991 n.

right of legislature to appropriate property of city for a park, 111.

reverter when execution of use becomes impossible, 1106.

when granted for specific purpose, use of portion for other purposes, 979 n., 991 n.

condemnation of lands of municipality devoted to public use, 1022.

private property of city may be taken by a railroad, 115.

public property exempt from judicial seizure, 248.

sale on execution against city, 248, 992, 1507 n.

mechanics', maritime and attorney's liens, 993.

fraudulent disposition of, prevented, 1574, 1575.

**IV. REGULATION OF PROPERTY OF CITIZENS,**

regulation of use and control of private property, 695.

character and quality of erections, 695.

power to restrict trades and occupations on certain streets, 695.

establishing building line within private property on parkway, 695.

power to prescribe fire limits, 727.

regulation of height of buildings, 696.

of hoistways in buildings, 728.

of signs and billboards, 697.

of tenement houses, 698.

of storage of gunpowder, 726.

restrictions on use of property abutting on parks, 695.

removal of snow from roofs, 712 n.

franchise of corporation a property right, 112 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PROPERTY HOLDERS,**

right to restrain illegal corporate acts, 1579-1587. (See EQUITY; INJUNCTION.)

**PROPOSALS.** (See CONTRACTS; HIGHEST BIDDER; LOWEST BIDDER.)

**PROSECUTIONS.** (See CRIMINAL OFFENCES; INDICTMENT; JURY; MUNICIPAL COURTS.)

to enforce ordinances, 634 *et seq.*

whether civil or criminal, 637, 638.

in what name conducted, 612, 745.

of officers, 824 n.

repeal of ordinance puts an end to pending prosecutions under it, 584 n.

for public nuisance, license from corporation no defence, 684 n.

**PROSTITUTION,**

suppression of, 686.

**PRUSSIA,**

modern municipal institutions, 9.

**PUBLICATION,**

advertisement for bids, 809.

lowest bidder; necessity and sufficiency of advertisement, 809.

requirement of letting by competition inapplicable to publication of ordinances, 802 n.

of proposed ordinance before adoption, 576.

when publication of ordinance is required, 603.

ordinances, time and method of publication, 605.

alternate modes of publication of ordinances, 604.

curative effect of re-publication, 603 n.

*mandamus* to compel publication of ordinance, 603 n.

proof of publication of ordinances, 606.

of ordinances on Sunday, 605 n.

parol proof of, 606 n.

before mayor's approval insufficient, 603 n.

**PUBLIC AGENTS.** (See AGENTS; OFFICE AND OFFICER.)

**PUBLIC BATHS,**

power to establish includes power to secure proper location, 238 n.

**PUBLIC BUILDINGS,**

power to erect and repair, 300.

power of New England town to erect, 42.

convention hall a "public utility" within meaning of constitution, 1290 n.

county may be compelled to build court-house, 122 n.

city may be authorized to erect court-house for county, 122 n., 300 n.

contribution by county town to expense, 1369 n.

court-house not an "internal improvement," 885 n.

city-hall building in Philadelphia, compulsory liability, 122.

erection of, without express authority, 300 n.

*mandamus* to compel erection of, 1492.

*mandamus* to compel building of court-house, 1527 n.

power of city to provide for reasonable future necessity, 997.

condemning lands for future requirements, 1027.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PUBLIC BUILDINGS — *continued*.**

- power to purchase successive sites for same building, 976 n.
- grants for sites for, on condition subsequent, 979 n.
- taxpayers may enjoin erection of court-house at a place not the country-seat, 1584 n.
- control of, 103 n.
- grant to aid in erection subject to legislative control, 103 n., 111 n.
- power of city to lease surplus space, 997.
- power to insure against loss by fire, 976 n.
- garnishment of insurance money after loss by fire, 992 n.
- implied power to issue bonds for site for authorized building, 883 n.
- counties have no implied power to issue commercial paper to pay for, 284.
- power to furnish and fit up, 300 n.
- taxation to provide for cost of fitting up, 1402-1403 n., 1623.
- contract between city and county, 300 n., 977 n.
- proper uses of, 300 n.
- conveyances for use of, valid, 981.
- special grant for court-house and jail, 989, 991 n., 1102 n.
- rights of county and city respecting jail built by latter, 977 n.
- dedication of property for, 1100.
- erection in streets, 1175.
  - in public squares, 1097, 1160 n.
  - in public parks, 1096.
- dedication of lands for, 1100.
- not subject to execution, 992.
- mechanics' liens on, 993.
- liability for special assessment, 1446.
- taxation of county court-house by city, 1396 n., 1444 n.
- liability for negligence in maintaining, 1657.
  - of city with respect to unsafe buildings, 1641 n., 1669 n.
  - for fall of ceiling of council chamber, 1641 n.
  - for negligence in maintaining police station, 1656.
  - of New England town for defective townhouse, 1641 n.
  - for defective school buildings, etc., 1658.
  - for defective staircase in schoolhouse, 1642, 1643.
  - for defective and unsanitary prisons, workhouses, etc., 1640 n., 1656.
- limited liability of counties for negligence, 1640.
- county not liable where jail becomes a nuisance, 35 n., 1640 n.

**PUBLIC COMMON. (See PUBLIC SQUARES.)**

**PUBLIC CORPORATIONS. (See CHARTER; CORPORATIONS; COUNTY; MUNICIPAL CORPORATIONS; QUASI CORPORATIONS.)**

- distinction between public and *quasi* and municipal corporations, 34, 37, 38, 90 *et seq.*
- how created and classified, 55, 92 *et seq.*
- extent of legislative control, 90 *et seq.*
- private and public distinguished, 90 *et seq.*

**PUBLIC DEFENCE,**

- of right of municipalities to aid in, 312.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PUBLIC DISPLAYS,**

use of streets for, 1174.

**PUBLIC EXHIBITIONS.** (See **EXHIBITIONS.**)

ordinances as to sale of seats, 592 n.

**PUBLIC HEALTH.** (See **HEALTH; ORDINANCES.**)

**PUBLIC IMPROVEMENTS.** (See **LOCAL IMPROVEMENTS.**)

contributions by individuals to cost of, 792.

estoppel to plead unconstitutionality of statute; Ohio cases, 800.

school house is, within mechanics' lien law, 831 n.

liability for consequential damages of authorized act, 1674, 1675.

grades and change of grades, liability, 1676-1678.

liability for grades and changes of grades under constitutional provision, 1684-1686.

**PUBLIC LANDING.** (See **WHEARVES.**)

dedication for, 1101.

**PUBLIC OFFENCES.** (See **CRIMINAL OFFENCES; OFFENCES.**)

**PUBLIC OFFICERS.** (See **OFFICE AND OFFICER.**)

application of majority principle to, 522. (See **MAJORITY.**)

power to make contracts, 775.

of a State, *mandamus* to, 1491.

**PUBLIC PARKS.** (See **PARKS.**)

**PUBLIC PEACE.** (See **ARREST; ORDINANCES; POLICE POWERS AND REGULATIONS.**)

power to preserve, 729.

preservation of, matter of State concern, 97.

**PUBLIC POLICY,**

ordinances must be consistent with, 601.

contracts against public policy void, 772, 791, 792.

disqualifying interest of municipal officer in contract, 773.

pecuniary interest of municipal officer in contract, 772.

\* invalidity of contract resulting from pecuniary interest of municipal officer, 773.

lobbying contracts invalid, 774.

combinations among bidders, 781.

contract for printing notes to circulate as money, 795 n.

surrender of right of city to lay out streets, 792.

contract stipulations as to hours of labor, wages and union labor, 808.

contract to pay premium to officer for performing duty, 792.

**PUBLIC PROPERTY.** (See **DEDICATION; EMINENT DOMAIN; PROPERTY; STREETS; TAXATION.**)

**PUBLIC PURPOSES,**

taxation must be for, 884.

gifts and grants for benefit of municipality, 981.

**PUBLIC SAFETY.** (See **ORDINANCES.**)

fire limits, 727.

hoistways, 728.

storage of gunpowder, 726.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PUBLIC SCHOOLS.** (See **SCHOOLS AND SCHOOL DISTRICTS.**)

**PUBLIC SQUARES AND COMMONS.** (See **DEDICATION; PARKS; STREETS.**)

land may be condemned for, 1034. (See **EMINENT DOMAIN.**)

proof of dedication of property for, 1085.

dedication for and uses of, 1073, 1078, 1094-1099.

right to ornament, occupy, and enclose, 1098.

remedy to recover possession, 1133.

right of abutter with respect to, 1131, 1132, 1134. (See **ABUTTER.**)

history of public squares in Philadelphia dedicated by Penn, 1097 n.

right of county to erect buildings on public squares of town, 1097.

public may acquire highway across, 1098 n.

power of legislature to authorize construction of railroad over, 1103 n.

city enjoined by railway from closing public square against it, 1573 n.

erection of buildings upon, may be enjoined, 1621 n.

liability for dangerous and unguarded excavation, 1671.

ordinances forbidding preaching, &c., on, 589 n., 632 n.

**PUBLIC TRUSTS.** (See **PROPERTY; TRUSTEES AND TRUST PROPERTY.**)

**PUBLIC USE,**

what is, to justify condemnation of lands, 1031, 1351 n.

streets, highways, etc., 1031, 1032.

individual contributions to expense of improvement, 1032

water supply, etc., 1033.

public parks and squares, 1034.

drains and sewers, 1034.

public city market, 1034.

nature of, reviewable by courts, 1036.

ornamental purposes; exercise of power of eminent domain, 1035.

**PUBLIC UTILITIES.** (See **ELECTRIC COMPANIES; GAS AND GAS COMPANIES; FERRIES; LIGHTING; WATER.**)

construction, operation and regulation, 1290-1341.

meaning of term "public utility," 1290.

municipal trading, 1291, 1292.

municipal ownership; public and city purposes, 1293.

construction and ownership of railroads; city purposes, 1294.

power of state to prevent extra-territorial interference with water supply, 1295.

**I. MUNICIPAL WORKS,**

power to provide water and light, 1296.

public nature of service of water and light, 1297.

private or governmental capacity of city in furnishing water or light, 1303.

power of city to supply water and light to inhabitants, 1298.

to supply water to other cities and beyond its limits, 1299.

to apply surplus water and light to private purposes, 1300.

property held by city in trust for public purposes, 1301.

legislative power over, when owned by municipality, 116.

authority to city to maintain is subject to repeal, 1306.

power of city to purchase works subject to mortgage, 1296.

special limitations on indebtedness for waterworks, etc., 214.

power of city to sell works, 1301.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PUBLIC UTILITIES — *continued*.**

**I. MUNICIPAL WORKS — *continued*.**

- pledge of works and revenues of gas works to secure lenders, 817.
- diversion of subsurface water by municipal waterworks, 1341.
- contamination of water supply, 1316.
- exemption from taxation, 1297.
- not subject to sale on execution, 1297.
- liability of municipality for negligence, 1303, 1670.
  - for property destroyed by fire, 1340.

**II. CONTRACTS FOR WATER AND LIGHT,**

- power to contract for public service, 1302.
- private or governmental capacity of city in contracting for water or light, 1303.
- power to contract for supply for term of years, 1307.
- agreements by municipality to satisfy or pay taxes on works of company, 1310.
- ultra vires*; executed and executory provisions, 1339.
- liability of municipality for water and light furnished; implied contract, 1338.

**III. FRANCHISES OF PUBLIC SERVICE CORPORATIONS,**

- grants of franchises to corporations and individuals, 1304.
- when popular vote a condition precedent, 1304.
- sale of franchises to highest bidder, 1305.
- when sale for cash implied, 1305.
- franchises are contracts protected against impairment, 1306.
- licenses are revocable, 1306.
- incidental power of gas company to construct telegraph or telephone lines, 1304 n.
- conditions attached to grants of franchises, 1304.
- enforcing compliance with conditions, 1311.
- breach of condition; forfeiture, 1311.
- purchase of works of company by city, 1312.
- power of legislature to compel city to purchase works, 1312.
- assignment of reserved right of city to purchase, 1312 n.
- acquisition of works of company by eminent domain, 1313, 1314.
- exclusive franchises and contract rights, 1308.
  - rule in Pennsylvania, 1309.
  - unauthorized grant void in part only, 1308.
- when power to give exclusive right incidental to contract for water or light, 1308.
- rights of municipality and grantee at expiration of franchise, 1315.
- reserved right to use dedicated street for constructing railroads, laying pipes, etc., 1075 n.
- enjoining enforcement of ordinances, 650 n.
- liability of water company for property destroyed by fire, 1340.

**IV. CONSUMERS; REGULATION OF RATES,**

- duty of municipality or corporation to supply without discrimination, 1317.
- rules and regulations, 1319.
- meters, 1320.
- failure to pay for service, 1321.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**PUBLIC UTILITIES — *continued*.**

**IV. CONSUMERS; REGULATION OF RATES — *continued*.**

- remedies for refusal to furnish supply, 1317.
- clandestine abstraction of water, 1322.
- rates must be reasonable, 1318.
- lien of water rates, 1323.
- stipulations as to rates in ordinances and contracts, 1326.
- power of city to fix rate for definite period, 1326.
- reservation in franchise grant of right to regulate rate, 1304 n.
- legislative regulation of rates, 1324.
- regulation of rates; delegation of power to municipality, 1325.
  - power is continuing in its nature, 1326.
  - province of court, 1327.
  - remedy in equity against unreasonable regulation, 1328.
- power of judiciary to fix or prescribe rates, 1329.
- right of public service corporation to reasonable rate, 1327.
- what are reasonable rates? general considerations, 1330.
  - elements of value; property and franchises, 1331.
  - cost of construction, 1332.
  - cost of reproduction of works, 1333.
  - risks and incidents of business, other sources of supply, 1334.
  - value of property; capitalization and bonded indebtedness, 1335.
  - cost of operation; maintenance and depreciation, 1336.
  - net profit or return to corporation, 1337.

**PUBLIC WAYS.** (See **DEDICATION**; **EMINENT DOMAIN**; **HIGHWAYS**; **STREETS**.)  
property may be condemned for, 1031, 1035.

**PUBLIC WELL,**

- liability for injury caused by impure water, 1671 n.

**PUBLIC WORKS, BOARD OF,**

- is a *quasi* corporation, 550 n.
- required to keep record of its proceedings, 550 n.
- legislative act creating, right of local self-government, 97-100.

**PUEBLO LANDS,**

- powers of municipal authorities over, 1102 n.

**PUNISHMENT.** (See **CRIMINAL OFFENCES**; **DOUBLE OFFENCES**; **FINES**; **PENALTIES**; **MUNICIPAL COURTS**; **ORDINANCES**.)  
must be within legislative limits, 608 *et seq.*

**PURCHASE,**

- of property subject to encumbrance as affected by limitation of indebtedness, 199.
- optional contracts as affected by limitation of indebtedness, 200.

**PURPRESTURE.** (See **BAY WINDOWS**; **NUISANCES**; **PORCHES**; **STREETS**.)  
upon street, 1131 n., 1188 n., 1139 n.

**QUALIFICATION.** (See **ELECTION**; **OFFICE AND OFFICER**; **VOTER**.)  
of voters, 371.  
of officers, 371-373.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**QUALIFICATION** — *continued*.

- effect of electing a disqualified person, 373.
- when council the judge of the qualifications of its members, 379.
- of commissioners in condemnation proceedings, 1043.

**QUANTUM MERUIT.** (See ASSUMPSIT.)

- employment of attorney upon, effect of election as city attorney, 824.
- action will not lie for materials furnished under void contract, 826 n.

**QUARANTINE.** (See HEALTH.)

- regulations concerning, 304, 305, 680, 681 n.
- liability for enforcement of regulations, 1661.

**QUARRIES,**

- beneath street, ownership, 1149 n., 1154.
- power to purchase quarries beyond city limits, 980 n.
- power of city to operate to obtain paving stone, 1292, n.
- regulating use of lands for quarry purposes, 695.
- blasting as a nuisance, 684 n.

**QUASI CORPORATIONS.** (See CORPORATIONS; COUNTY; MUNICIPAL CORPORATIONS; NEW ENGLAND TOWNS; ROAD DISTRICTS; SCHOOLS; TAXING DISTRICTS; TOWNS.)

- distinctive feature of American polity, 15.
  - what constitutes membership, 15 n.
  - purpose of their creation, 15.
  - distinction between public and *quasi* and municipal corporations, 37, 38.
  - distinguished from chartered corporations, 34-37.
  - limited powers of, 36 n., 37.
  - prohibition of special acts conferring corporate powers held not to include, 71.
  - legislative control, 92.
  - proof of existence and organization by reputation, 232 n.
  - name by reputation, 348.
  - no implied power to issue commercial paper, 284, 872, 881.
  - power to aid railways, 313-324.
  - parol evidence in respect to records of, 558 n.
  - power to take and hold real estate, 977 n.
  - counties are *quasi* corporations, 35, 977 n.
  - boards of public works are, 550 n.
  - board of railroad and warehouse commissioners, 709 n.
  - distinguished from municipal corporations as to implied liability *ex delicto*, 1638-1646.
  - implied liability of, for negligence, 1668.
  - liability for defective streets and highways, 1687, 1688, 1716.  
for defective school buildings, 1658.
  - no common-law obligation to repair highways or bridges, 1687.
  - liability of county on covenant for destruction of leased building, 997 n.
- QUORUM.** (See ACTS; COMMITTEE; COUNCIL; MAJORITY; MEETINGS.)
- common-law rules respecting, 511, 521, 523.
  - of definite body, 521-531.
  - of council, under English Municipal Corporations Act, 503.
  - legal quorum defined, 525.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**QUORUM** — *continued*.

- acts by less than quorum void, 541.
- majority of quorum must concur, 526.
- extent of majority principle, 522-525.
- whether mayor to be included in determining, 513.
- when interests of certain aldermen directly involved, 541, 575.
- appointment to office by majority of, 385 n.
- appointment to office by less than, 373 n.
- of joint assembly, 531 n.
- "two thirds of each house," meaning, 72 n.
- when presence of quorum presumed, 541 n.
- number present and acting, how proved, 541 n.
- excessive number of votes, 526.
- effect of refusal of members to vote, 527, 541 n.
- effect of casting blank ballot, 528.

**QUO WARRANTO**,

- subject treated, Vol. IV, Chap. XXX, § 1550 *et seq.*
- at common law; statute of Anne, 1550, 1551.
- against London, 10.
  - Massachusetts and other colonies, 10.
- State may be precluded from, when, 66 n.
- when and for what the appropriate remedy, 485, 514, 517 n., 1552.
- function of writ as to officers and franchises, 379-382, 559 n., 1499-1503, 1552 *et seq.*, 1585 n.
- respective functions of *quo warranto* and *mandamus*, 1501.
- to question legality of municipal corporations, 355 n., 1556, 1560, 1561 n.
- usurpation of corporate franchises, 1557.
  - of municipal office, 1552.
  - of public franchise, 1552.
- when title to office must be settled by, 375 n., 378-382, 473 n., 1499-1503, 1554.
- effect when legislature validates title to office, 374 n., 1554 n.
- decision of city council as to eligibility of member not reviewable by, 379 n.
- cumulative statutory remedies, 1553.
- when special mode of contesting elections will exclude *quo warranto*, 382, 1553 n.
- to test right of mayor to preside at meeting, 514.
- against alderman elected on wrong day, refused, 1496 n.
- to try right to hold election, 1552 n.
- to test power to enact ordinances, 650 n.
- to try validity of ordinance, 1559 n.
- does not lie to vacate charter for passage of unauthorized ordinances, 1558 n.
- to try right to sell intoxicating liquors, 1559 n.
- will not lie for taking land without making compensation, 1559 n.
- where municipal corporation does not legally exist; *Rex v. Sanders*, 1556.
- against officers of assumed corporation, 1556.
- against whom to be brought, 1557.
- usurpation of franchises, distinction, 1557.
- no forfeiture of municipal charter or franchises, 330, 1558.
- against municipality for exceeding powers, 1559.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**QUO WARRANTO** — *continued*.

- will not lie to enforce performance of corporate duty, 1559.]
- to test validity of franchise to use streets, 1552 n.
- to oust exercise of franchises in public streets without authority, 1244, 1559 n.
- to try breach of condition of franchise to use streets, 1231 n., 1311.
- proceeding must be instituted by attorney-general, 1560.
- state alone can question power to acquire and hold property, 990.
- relator, who may be, 1552 n., 1562, 1563 and notes.
- supersedeas* bond, 429 n.
- discretion to grant; how exercised, 1561-1563.
- rules to guide judicial discretion, 1563.
- rule to show cause will not be granted in all cases, 1562.
- where there can be no trial during officer's term, 1564.
- user or possession of office or franchise necessary, 1565.
- requisites of defendant's pleas or answer, 1555.
- effect of judgment of ouster, 1566.
- civil action in *quo warranto* must be brought where, 1562 n.
- may be removed from State to Federal court, 1567 n.
- practice in *quo warranto* proceedings, 1567.
- relator entitled to costs if successful, 1567 n.
- refusal of court to allow, reviewable on error, 1567 n.
- effect of acquiescence and lapse of time, 1564 n.

**RACE-TRACKS,**

- regulation of, within city, a municipal affair, 165.

**RACING,**

- regulation of horse racing, 661 n.
- use of streets for automobile speed contest, 714.
- city not bound to keep streets in condition for, 1706.

**RAILING OR BARRIER,**

- in street to guard against accidents, failure to provide, 1696, 1708 n.

**RAILROADS.** (See also EMINENT DOMAIN; PUBLIC UTILITIES; REGULATION OF RATES; STREETS; STREET FRANCHISES; STREET RAILWAYS.)

- construction and ownership by municipality; city purpose, 1294.

**I. INCORPORATION OF RAILROAD COMPANIES; GENERAL POWERS,**

- power of Congress to incorporate, 57.
- franchise to operate railway and take tolls cannot be leased, 997 n.
- not entitled to private land until damages assessed and tendered, 1051 n.
- leasing of road does not deprive lessor of eminent domain power, 1259 n.
- may take land of gas company by eminent domain, 1217 n.
- condemnation of right of way over levee lands, 1022 n.
- power to construct to city gives right to *enter* city, 1233 n.
- cannot locate road through land acquired by city for reservoir, 1217 n.
- can dedicate land for public highway, 1078 n.
- recovery of damages for property destroyed by mob under statute, 1636 n.
- liability for defects in streets caused by acts of companies, 1730.
- liability for injuries to fire engine at grade crossing, 1660 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# RAILROADS — *continued*.

## II. MUNICIPAL AID TO CONSTRUCTION. (See also MUNICIPAL BONDS.)

a public purpose, 884.

constitutionality of power to municipalities to aid construction, 18, 313, 324, 884.

decisions of different States cited, 313 n., 317 n., 323.

power judicially established, but its exercise baneful, 313, 317.

legislature cannot compel municipality to create debt to aid in construction, 121.

municipal corporations cannot be compelled to become stockholders, 121.

power may be annulled by constitutional provision or legislative action, 114, 943.

taxing power may be employed to aid in construction, 121.

power to aid must be express, 321, 878.

construction of grants of such power, 321, 878, 946 n.

municipal subscriptions and bonds and taxation therefor, 313-319.

special assessment to raise money to aid, 1440 n.

express power to subscribe for stock, 291 n.

what constitutes completed subscription, 942-945.

mode of subscription; when subscription complete, 944.

vote of county to subscribe for stock held not to be contract, 1528 n.

one subscription does not exhaust the power, 945 n.

change in name of company will not invalidate, 945 n.

effect on incomplete subscription of constitutional provision limiting power to aid, 944 n.

effect of consolidation of, on validity of subscription, 945.

where there is danger of misapplication of funds subscribed, 953 n.

legislative ratification of defective subscriptions, 129 n., 948. (See CURATIVE ACTS.)

right to rescind previous action, 529 n.

city cannot ratify subscription, 797 n.

rights of municipality as stockholder, 942 n.

power of city to sell stock of railroad company, 991 n.

*mandamus* to compel county subscription to railroad stock, 1528 n.

taxpayers may enjoin illegal subscription, 1584. (See INJUNCTION.)

power to borrow to pay subscriptions, 322.

distinction between municipal "subscription" and municipal "donation," 897 n.

power to donate bonds in lieu of lands and right of way, 946 n.

negotiable railway aid bonds, nature of, 850 *et seq.* (See MUNICIPAL BONDS.)

municipal bonds to aid, 900.

Iowa municipal bond cases, 901.

power to issue bonds essential, 323.

power of school district to issue bonds, 1372 n.

conditions precedent must be complied with, 323, 953.

issuing bonds to purchase land for depot, 884 n.

power to issue bonds; annulment by constitutional amendment or by statute before rights vested, 943.

when special authority will impliedly repeal charter limitations, 959 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**RAILROADS — *continued*.**

**II. MUNICIPAL AID TO CONSTRUCTION — *continued*.**

cannot be made without affirmative vote, 954 n.

estoppel by recital in bonds, 324.

**III. GRANTS OF RIGHTS IN STREETS. (See also STREET FRANCHISES.)**

how authority to occupy and use streets conferred, 1233.

city cannot permit street to be occupied by private railway, 1234 n., 1246.

power to construct in streets spurs or sidings to private premises, 1176.

to authorize use for steam railway, power must be express, 1234.

railroad uses must not exclude public travel, 1241.

legislature may grant right to use streets without consent of municipality, 1222.

delegation to municipality of power to grant franchises in street, 1234.

power to grant franchise for steam or commercial railway not implied from control of streets, 1234.

legislative authority to use streets protects from public prosecution, 1247.

grants of franchises in streets to be construed strictly, 1233.

power of municipality to grant exclusive franchise must be expressly conferred, 1234.

franchise rights in streets may be included in mortgage, 1242 n.

authority to construct through street does not authorize construction of station, depots, etc., 1241 n.

contract rights which cannot be impaired, 1242.

grant of right to lay track over bridge, city cannot subsequently impose charges, 1392 n.

street franchises, general conclusion, 1277-1281.

construction of, in public squares, 1097 n., 1103 n.

no right to erect fences across platted streets though not in use, 1272 n.

subject to indictment for erecting building in highway without authority, 1130 n. (See INDICTMENT.)

grant by town of part of common for railroad depot, 1098 n.

right to occupy highway longitudinally, 1233, 1234 n.

necessity of municipal consent, 1223-1225.

municipal consent; by what body given, 1227.

franchise comes from legislature and not from consenting municipality, 1228.

power cannot be delegated by designated local authority, 1227.

mode or manner of giving consent, 1227.

presumed from long-continued user of streets, 1227.

power to attach conditions, 1229.

validity of conditions, 1229, 1230.

power of legislature to attach additional conditions, 1227, 1228.

power of legislature to modify or abrogate conditions imposed by municipality, 1228.

conditions requiring payment of compensation or percentage of gross earnings, 1230.

stipulations as to rates of fare, 1230 n.

time of completion; forfeiture and damages for breach, 1231.

reservation of right to repeal or revoke, 1231.

deposit of money or bond to secure performance, 1231.

[The references are to sections. Volume I, sections 145-9; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **RAILROADS — *continued*.**

## **III. GRANTS OF RIGHTS IN STREETS — *continued*.**

municipal consent; necessity for, before using tracks of existing company, 1226.

consent of abutters to construction of railroads in street, 1232.

power to attach conditions, 1232.

pecuniary inducements to obtain consents, 1232.

unauthorized use of streets for railroads and other utilities; remedies, 1244.

## **IV. LIABILITY TO ABUTTERS; ADDITIONAL SERVITUDES. (See also ABUTTERS; STREET RAILWAYS.)**

steam railroad in street when fee in public, 1250.

when fee in abutter, 1251.

steam railroad an additional burden, 1252.

steam railroads; rule in Illinois, 1253.

rule in Pennsylvania, 1256.

rule in Texas, 1257.

steam and street railways; rule in Missouri, 1254.

rule in New York, 1255.

interurban street railways, 1258.

extent of public right in street when fee in abutter, 1211.

legislative authority no defence when rights of abutter invaded, 1247.

ejectment by abutter against railroad company occupying street, 1134 n.

## **V. RIGHTS AND DUTIES OF COMPANY AS TO STREETS,**

extension of streets across railroads under power of eminent domain, 1019 n., 1020, 1161 n.

measure of compensation, 1021.

expense of erecting gates, cattle-guards, etc., 1021.

city cannot lay out street through depot grounds, 1019 n.

city cannot open street longitudinally upon right of way, 1161 n.

judicial review of street opening proceedings, 1142 n.

crossing of streets by, rights of company, municipality and lot-owner, 1233 n.

removal of grade crossings, 1269 n.

*mandamus* to construct viaduct across track, 1269 n., 1272 n.

obligation to restore street; paving and repaving, 1276.

where railroad alters highway, duty of company, 1233 n., 1599 n.

*mandamus* to enforce duty to keep bridges in repair, 1599 n.

*mandamus* to compel railroad company to grade street at crossing, 1730 n.

erection of embankment in street for exclusive use of, 1262 n.

dedication of highways by railroad company, 1078 n.

defect in street caused by, town primarily liable, action over, 1730.

liable to indictment for obstructing highway, 1598 n.

## **VI. LEGISLATIVE AND MUNICIPAL REGULATION,**

legislative regulation of rates, 90 n., 1324-1337.

examination and licensing of engineer, 1359 n.

ordinances regulating speed of trains, 712 n., 716, 1272.

regulation of operation of railroads, 717.

ordinances prohibiting steam locomotives in streets, 593 n., 665 n.

ordinance prohibiting boarding or alighting from moving train, 589 n., 717 n.

prohibiting sale of tickets by others than authorized agents, 666 n.

police regulation of hacks and vehicles at depots, 1166 n., 1167.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**RAILROADS — *continued*.**

**VI. LEGISLATIVE AND MUNICIPAL REGULATION — *continued*.**

- soliciting passengers by expressmen and hotel runners, 1132, n.
- ordinances as to flagmen at crossing, 593 n., 712 n., 1272 n.
- ordinances requiring railroads to change grade of street, 612 n.
- temporary obstruction of street by loading and unloading cars, 1168 n.
- enjoining enforcement of ordinances affecting, 650 n.
- obstruction to streets, 1272.
- municipal control; police authority, 1272.
- rental charges; charges for inspection and supervision, 1275.

**VII. TAXATION; SPECIAL ASSESSMENTS,**

- taxation of railway property, 1393, 1405 n.
  - in Kansas, 1368 n.
  - of property within state, 1359.
  - to pay expenses of railroad commission, 1368 n.
  - of rolling stock, 1389 n., 1393 n.
  - of "special franchises" in New York, 1392 n.
- transfers of exemption from taxation, 1401 n.
- interstate commerce, 1357.
  - property in transit, 1358.
  - taxes on gross receipts, 1359.
  - taxes on rolling stock, 1359 n.
  - terminal cab service, 1359 n.
- special assessments against railroad property, 1392 n., 1433 n., 1444 n., 1451
  - against right of way; Illinois, 1439 n.
  - against railways in streets, 1452.
  - for improving park, 1451 n.
- sewer assessments, 1459 n.
- sale of rolling stock for taxes restrained, 1589 n., 1590.

**RAPID DRIVING. (See POLICE POWER AND REGULATIONS; RACING; STREETS.)**

**RATEPAYER,**

- difference between inhabitant and, 560 n.

**RATES. (See REGULATION OF RATES.)**

**RATIFICATION. (See CURATIVE ACTS.)**

- power of legislature to ratify or authorize ratification, 799 n.
- by legislature, of corporate acts, 127-129.
  - of title to office, 374 n.
  - of illegal ordinances, 645.
- legislative power of, as to void special assessment, 127, 128.
- by corporation of unauthorized acts and contracts, 299, 792 n., 797-799, 950.
- of acts of previous town meeting not legally called, 509 n.
- of change of grade made without ordinance by subsequent ordinance, 1152 n.
- of unauthorized acts of committees, 798.
- of unauthorized contracts, 797-799.
- of unauthorized contracts of agents, 792 n.
- effect upon collateral bond of contractor, 830 n.
- of contract invalid because of delegation of powers, 244 n.
- must be by ordinance when city can only contract by ordinance, 799 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**RATIFICATION** — *continued*.

- of unauthorized employment of attorney, 824 n.
- by acceptance of work, 798 n.
- of sale of bonds at less than par, 799.
- by election after incurring of debt, 213.
- principle of ratification by delay, applicable to municipal corporations, 951.

**REAL PROPERTY.** (See also **DEEDS**; **EMINENT DOMAIN**; **PROPERTY**; **PUBLIC BUILDINGS**; **TORTS**.)

**I. POWER TO ACQUIRE AND HOLD,**

- corporate capacity in Roman law, 970.
- subsequent modification in Europe; statutes of mortmain, 791-793.
- power to take and hold, 111, 975-980.
- implied power to purchase and hold, 971, 976.
- grants to unincorporated communities, 974.
- legislative act validating acquisition of, 990 n.
- municipality cannot buy, sell and deal generally in, 1292.
- implied power to issue bonds for site for authorized building, 883 n.
- grants upon condition subsequent, 979.
- forfeiture for breach of condition subsequent, 979.
- real estate beyond corporate limits, 980.
- gifts and grants for benefit of municipality, 981.
- power to take and hold in trust, 982.
- power to take and hold for charitable uses, 982.
- devises to cities for charitable purposes, 983-987.
- charitable trusts germane to corporate purposes, 988.
- devises and grants for objects foreign to corporate purposes, 989.
- State alone can question power to acquire and hold, 990.

**II. ALIENATION,**

- power to sell and convey, 991.
- mode of alienation, 994.
- sale or lease to highest bidder, 995.
- power to mortgage, 996.
- leases of corporate property, 997.
- conveyances by municipality, 998, 999.
- condemnation of lands of municipality devoted to public use, 1022.
- sale on execution, 992.
- mechanics' liens, 993.
- contract to sell land not within statute regulating furnishing of materials and supplies, 772 n.

**III. RIGHTS AND LIABILITIES OF MUNICIPALITY,**

- adverse possession against private and proprietary rights of municipality, 1188.
- special assessments against municipal lands, 1446.
- diversion of subsurface water by municipal waterworks, 1341.
- liability as property owner for negligence, 1671, 1673.

**IV. REGULATION OF PROPERTY OF CITIZENS,**

- regulations of use and control of private property, 695.
- power to restrict trades and occupations in buildings on certain streets, 695.
- restrictions on use of property abutting on parks, 695.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**REAL PROPERTY** — *continued*.

**IV. REGULATION OF PROPERTY OF CITIZENS** — *continued*.

establishing building line within private property on parkway, 695.

power to prohibit spite fences, 695.

regulating character and quality of erections on, 695.

power to prescribe fire limits, 727.

regulation of height of buildings, 696.

of hoistways in buildings, 728.

of signs and billboards, 697.

of storage of gunpowder, 726.

of tenement houses, 698.

removal of snow from roofs, 712 n.

enjoining enforcement of ordinances affecting, 650 n.

**RE-ASSESSMENT.** (See CURATIVE ACTS; LEGISLATURE; SPECIAL ASSESSMENTS.)

legislature may order, 1469.

power authorized, 1400, 1469.

**RECITALS,**

in bonds, estoppel, 905 *et seq.* (See MUNICIPAL BONDS.)

**RECKLESS DRIVING,**

prohibiting in city streets, 712 n.

**RECLAMATION,**

exercise of power of eminent domain, 1031 n.

**RECONSIDERATION,**

of votes and measures, 539, 554.

**RECORDING ORDINANCES.** (See ORDINANCES; RECORDS AND DOCUMENTS.)

construction of charter provision, 607.

**RECORDER'S COURT.** (See MUNICIPAL COURT.)

**RECORDS AND DOCUMENTS,**

subject treated, Chap. XIV, §§ 550 *et seq.*

power to appoint clerk *pro tem.*, 550.

records kept by clerk *pro tem.*, 550.

signature of chairman, 550 n. (See MAYOR; PRESIDING OFFICER.)

recording ordinances, 607.

presumption of regular adoption of ordinance, 579.

approval of ordinance before recording and attestation, 607 n.

signing minutes not equivalent to signing resolution, 603 n.

failure of clerk to take oath does not invalidate his record, 550 n.

amendment of, 551, 552.

correction of records *nunc pro tunc*, 540.

power to amend records of New England town meetings, 551-553.

town not concluded by fraudulent amendment, 551.

general power of clerk to amend record, 554.

right of clerk to amend *ex parte*, 553.

whether clerk's successor can make amendment, 551 n.

amendment after approval by council, 554.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## RECORDS AND DOCUMENTS — *continued*.

- amendment by clerk who is out of office, 551 n.
- when rights of third parties have intervened, 554.
- new board amending record of old, 554.
- mandamus* to compel amendment, 553 n., 556.
- parol evidence to apply record, 555.
  - to contradict or explain record, 555, 556, 561 n.
  - to show omissions, 557, 558.
  - in collateral action not admissible to contradict record, 556.
- what facts may be shown by parol, 555 n. (See EVIDENCE.)
- proof of facts on record, 557 n.
- rights of creditors not prejudiced by neglect to keep record, 557 n., 1640 n.
- custody of, points ruled in England, 559 n.
- mandamus* to compel delivery, 559, 1503 n., 1505.
- corporation may replevy records, 559.
- right to inspect, 560.
- right to attachinent, when officer disobeys rule to allow inspection, 560.
- mandamus* to enforce the right to inspect, 560, 1505.
- English decisions concerning records as evidence, 561 n.
- sworn or examined copies, when admissible as evidence, 561.
- evidential force of committee's report, 562.
- use of records in actions by or against corporation, 561, 562.
- of county; admissibility in evidence, 1640 n.
- parol evidence of resolutions, 555, 607 n.
- mandamus* to recording officer, 1487 n.
- what is sufficient to constitute a contract, 783.
- when contract must be proved by record, 793 n.

## RE-ELECTION,

- of expelled member of council, 471.

## REFERENDUM,

- what constitutes majority of voters, 383.

## REFORMATORIES,

- provision for support of persons committed to, 1374 n.
- liability for injuries to persons committed to, 1656 n.

## REFORM SCHOOL,

- a State, and not a county or corporate institution in Illinois, 1372 n.

## REFRIGERATION,

- use of streets to lay refrigerating pipe, 1176 n.

## REFUNDING,

- of municipal bonds, 939.
- power to issue, 821 n.
- of municipal bonds; estoppel to deny validity of original debt, 940.

## REFUSAL. (See DEMAND.)

- to serve in municipal office, 415.

## REFUSE MATTER,

- license to remove, 677.
- removal and disposal of, 678.
  - of carcasses of animals, 679.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**REGENTS OF THE UNIVERSITY,**

of Maryland, a private corporation, 94 n.

**REGISTRATION,**

of voters may be required, 371 n. (See ELECTIONS.)

of automobiles, 714.

of municipal bonds, 947.

as prerequisite to validity of bonds, 888.

as adjudication of validity of issuance of bond, 947.

of municipal warrants on presentation, 859.

requirement of registration of warrants, 852 n.

**REGULATE.** (See FERRIES; LICENSES; ORDINANCES; POLICE POWER;  
TAXATION.)**REGULATION OF RATES,**

of public service corporations, 1324-1337. (See PUBLIC UTILITIES.)

enjoining enforcement of ordinances, 650 n.

for gas, power to regulate under free-holders' charter, 63 n.

**RELATOR.** (See MANDAMUS; QUO WARRANTO.)**RELIEF.** (See EQUITY; INJUNCTION; REMEDY; TAXPAYERS' ACTIONS.)**RELIGION,**

devise to town for support of, 989 n.

**RELIGIOUS SOCIETIES,**

exemption statutes strictly construed, 1401.

use, not ownership, is the test of exemption, 1401 n.

whether exemption from taxation includes local assessments, 1444.

capacity of parish in Massachusetts to take devise for school purposes, 988 n.

grant to city in trust for particular denomination, 989.

**RELIGIOUS TESTS,**

as qualification for office, 372.

**REMEDY.** (See ACTION; EJECTMENT; EQUITY; INJUNCTION; MANDAMUS;  
QUO WARRANTO; TAXPAYERS' ACTIONS; TORTS.)

suggested as to corporate powers, 18, 19, 20.

of creditors on dissolution of corporation, 336.

when corporation is abolished, 357.

special remedy given by statute is cumulative, 379 n.

by *mandamus* to compel amendment of record, 553, 556 n.

of corporation in respect to invalid bond, 792.

when city issues bonds without authority, 796.

of lowest bidder when contract is awarded to another, 805 n.

of mechanics and others, 993.

of land-owner in respect to condemnation proceedings, 1045 *et seq.*

for encroachments and obstructions in streets, 1080 n., 1082 n., 1087 n.,  
1130-1134, 1527 n., 1598 n.

for misuser of dedicated property, 1106.

of abutter to prevent perversion of public park, 1097 n.

in case of change of grade of street, 1151, 1152. (See STREETS.)

for unauthorized use of street by railway, 1244.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**REMEDY** — *continued*.

of abutter for use of street by steam railway, 1261. (See **ABUTTER**.)  
 where property exempt from taxation is assessed, 1401 n.  
 by *mandamus* to compel payment of debts, 1506.  
 of bondholders in Federal Courts, 1513, 1514.  
 to prevent, correct, and redress illegal corporate acts, 1047 n., 1570-1600.  
 where statute provides specific remedy, such remedy is exclusive, 1681.

**REMOVAL OF CAUSES.** (See **FEDERAL COURTS**; **MUNICIPAL BONDS**.)  
 of proceedings to condemn lands to Federal courts, 1013 n.

**REMOVAL OF OFFICERS.** (See **OFFICE AND OFFICER**.)

amotion and disfranchisement distinguished, 460.  
 English decisions as to disfranchisement inapplicable, 460, 461.  
 power to remove; *Rex v. Richardson*, 462.  
 where power of amotion resided in old English corporations, 463.  
 power of amotion in this country, 464, 465.  
 provision for, under general welfare clause, 464 n.  
 incidental power to remove for cause; *Rex v. Richardson*, 475.  
 scope of implied power of removal, 476.  
 administrative nature of power to remove, 466, 467.  
 forfeiture of office on conviction of offence, 467.  
 officer may be indicted notwithstanding removal, 467 n.  
 power to amove to be strictly pursued, 468.  
 power of expulsion for specified causes construed, 469.  
 construction of power to expel member of council, 470.  
 re-election of expelled member of council, 471.  
 implied power construed to authorize removal for cause only and after notice and hearing, 472.  
 officers subject to removal at pleasure not entitled to *certiorari*, 473 n.  
 power of mayor to remove, 473 n.  
 when notice and a hearing are required, 473.  
 requirement of opportunity to explain and record of grounds of removal, 474.  
 limitations of power to remove which do not require a hearing, 474.  
 what is cause for removal, 477.  
 acts or conduct previous to election or appointment, 477.  
 acts and conduct outside official duty, 477.  
 what constitutes a removal under civil service statutes, 478.  
 suspension a removal *pro tanto* under statute, 478.  
 when suspension operates as removal, 479 n.  
 when power of suspension exists, 470 n.  
 reduction of salary is not, 478.  
 abolition of office or position is not a removal, 479.  
 removal of veterans from office, 479 n.  
 proceedings to amove, 480.  
 notice of proceedings to amove, 481.  
 charges must be formulated, 482.  
 opportunity to defend, 482.  
 constitution of trial board, 483.  
 disqualification of removing power, 483.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**REMOVAL OF OFFICERS** — *continued*.

- power of deputy to act on charges against officer, 483 n.
- power of courts to review removal for cause, 484.
- effect of valid motion; vacancy, 485.
- mandamus*; discretionary acts, 486.
- wrongful removal, 487.
- certiorari*, 488.
- actions by taxpayers, 489.

**REPAVING.** (See **STREETS**.)

- power to compel, 1144-1146, 1440, 1441, 1447.

**REPEAL.** (See **CHARTER**; **CREDITORS**; **MANDAMUS**; **TAXATION**.)

- of charter, 112, 233, 334, 335, 336, 339.
- does not revive original incorporating act, 233 n.
- effect of, on property and contract rights, 112.
- charter provision not repealed by constitutional limit of debt, 191.
- repealing statutes not within prohibition of special laws, 167.
- of charter by implication, 234.
- special charters not repealed by general laws by implication, 235.
- of general laws by implication, 236.
- right of creditors on repeal of charter, 336.
- of ordinances, 584.
- cannot be effected by resolution, 572.
- does not affect warrants issued thereunder, 851 n.
- ends prosecution thereunder, 584 n.
- revival of ordinance by repeal of repealing ordinance, 584 n.
- effect of repeal of ordinance on vested rights, 584.
- of power to grant licenses, 105.
- of legislative grants of property, 111.
- of act under which contract for supply of gas was made, 1215 n.
- of charter power of taxation by constitutional provision, 1372 n., 1376 n.
- implied repeal of charter limitation on rate of taxation, 1402, 1403.
- of statute making city liable for damages from change of grade of street, 1676 n.
- reservation of right to repeal franchise in granting municipal consent, 1231.
- effect of repeal of charter of corporation under reserved power, 1242 n.
- liability for wrongful repeal of ordinance granting street franchise, 1626 n.

**REPEATING CLAUSE,**

- in revised charter, effect, 234.

**REPLEVIN,**

- for corporate books and records, 559.
- right to office cannot be tried in, 559 n.
- lies against pound-keeper, when, 310 n., 622.
- will not lie against tax collector to recover personal property seized for taxes, 1589 n.

**RES ADJUDICATA.** (See also **JUDGMENT**.)

- conclusive effect of judgment, 939.
- conclusive effect of judgment on municipal bond, 938.
- judgment by consent declaring validity of bond, 1610 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**RESCISSION,**

of previous votes and order of boards and councils, 539.  
of audit of claim, 866.

**RESERVOIR.** (See **WATER AND WATERWORKS.**)

right of city to occupy surface of street with, 1156, 1212.  
demolition of, and conversion of land into a park, power of legislature, 111.  
availability of land for reservoir purposes an element of compensation, 1033 n.  
railroad cannot be located through land acquired by city for, 1217 n.  
liability for defective dam, 1669.  
power of railroad to condemn reservoir land, 1022 n.

**RES GESTAE,**

declarations and admissions of officers as part of, 435.

**RESIDENCE.** (See **ELECTIONS; NON-RESIDENT; OFFICE AND OFFICER; VOTER.**)

membership constituted by, 15 n., 60.  
qualifications of voters, 59, 371.  
for office, 371.  
what constitutes a residence, 371 n.  
colorable residence insufficient to constitute inhabitance, 560 n.  
of occupant of dwelling-house divided by boundary line of towns, 354 n.

**RESIGNATION.** (See **OFFICE AND OFFICER.**)

of municipal officers, 416-420.  
after issue of writ of mandamus, 1520-1523.  
power of officer to contract with city after resignation, 773 n.

**RESOLUTION.** (See also **ORDINANCES OR BY-LAWS.**)

resolutions and ordinances distinguished, 571.  
when resolution sufficient and ordinance unnecessary, 572.  
ordinance cannot be repealed or amended by resolution, 572.  
officers may be elected by, 392.  
licensing liquor trade must be by ordinance, not resolution, 674 n.  
sufficiency of, as confirmance of contract, 572 n.  
power to make contract by, 784.  
effect when adopted with formality of ordinances, 571.  
when approval of mayor necessary, 578.  
right to rescind, 539.  
effect of, as memorandum in writing under statute of fraud, 783.  
parol evidence of, 607 n.  
parol evidence to explain, vary, or contradict records, 555, 556.

**RESPONDEAT SUPERIOR.** (See **ACTIONS; CONTRACTOR; NEGLIGENCE; OFFICE AND OFFICER; STREETS; TORTS.**)

application to municipal corporations, 1647, 1655-1668.  
held to be inapplicable to counties, 1640 n.  
when applicable and when not, 1655-1668.  
no application where acts are wholly *ultra vires*, 1648, 1649.  
illustrative cases, 1650, 1651.  
cases where implied corporate liability exists for wrongful acts, 1651, 1653.  
wrongful acts done *colore officii*, 1652.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**RESPONDEAT SUPERIOR** — *continued*.

- corporation liable if it adopts the wrongful acts, 1652.
- not applicable in the case of licensees of a municipality, 1630.
- no application where buildings are destroyed to prevent spreading of fire, 1632 n., 1634.
- doctrine as applied to acts of contractors, 1720-1724, 1726.
- to liability of officers for acts of subordinates, 442.

**RESTAURANTS.** (See **SALOONS**.)

- power to prohibit in saloons, 674.
- lease of lands for restaurant purposes, 997 n.

**RESTITUTION,**

- to taxpayer of property exacted by taxation, 104 n.

**RESTRAINT OF TRADE.** (See **TRADE**.)

**RETROSPECTIVE LEGISLATION.** (See **CURATIVE ACTS**.)

**RETROSPECTIVE TAXATION,**

- may be authorized by the legislature, 1400, 1469. (See **RE-ASSESSMENT**.)

**REVENUE.** (See **CONSTITUTIONAL LAW**; **GARNISHMENT**; **TAXATION**.)

- legislative power over, 104 n., 1382.
- use of surplus revenues, 242.
- licenses for revenue purposes, 594, 661, 663 n.
- finer for purpose of raising, 611 n.
- general laws and special charter provisions construed, 1404 *et seq.*
- exemption from seizure for debts, 248.

**REVERTER.** (See **DEDICATION**; **EMINENT DOMAIN**; **PROPERTY**; **STREETS**; **TRUSTEES AND TRUST PROPERTY**.)

- for breach of condition subsequent, 979.
- of dedicated lands on cessation of use, 1106.

**REVIVAL,**

- of corporations, 340.

**REVOCATION,**

- of dedication by owner, 1091, 1092. (See **DEDICATION**.)
- of acceptance of dedication by corporation, 1091, 1092.
- reservation of right to revoke franchise in granting municipal consent, 1231.
- of permit for areas, vaults, etc., in streets, 1180.

**REWARDS FOR OFFENDERS,**

- power to offer, 299, 824 n.
- power to revoke, 299 n.
- officer cannot claim, 299, 427 n.

**RICE,**

- growing of, within corporate limits may be prohibited, 685 n.

**RIOTS.** (See **MOBS**.)

- when riot avoids election, 374 n.
- removal of officer for riot in council chamber, 475 n.
- Pittsburg riots, 1636 n.

**RIPARIAN RIGHTS.** (See **DEDICATION**; **NAVIGABLE WATERS**; **WATERS**; **WHARVES**.)

- nature and extent of riparian rights, 264 n., 266 n., 268 n.
- subject to municipal control, 266 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **RIPARIAN RIGHTS — *continued*.**

- building of wharf by municipality does not invade, 271.
- boundaries on rivers, 352.
- where title stops, 1077, 1101.
- where State is owner of land under water, dedication by private riparian proprietor, 1077.
- ferry right of riparian donor on dedicated front, 1098 n.
- where city makes improvement in front of lot, 1651 n.
- rights of municipality, 268, 1212 n.
  - to take water from stream, 1212 n.
  - as respects wharves, 264, 268.
  - to alluvion, etc., 977, 1077.
  - in city of New York in respect to streets, 1079 n.
- acquisition of, by eminent domain, 1016 n.
- no right to foul or corrupt water of a running stream, 1033 n.
- drainage into stream, liability of city for, 1740 n.

# **RIVERS. (See HARBORS; NAVIGABLE WATERS.)**

- power of State to protect, as against other States, 1295.
- not highways of city, 1121 n.
- boundaries on, 352.
- power to straighten channel, 301 n.
- dedication of streets bordering on, 1077.
- use of dedicated lands for landing or wharf, 1101.
- nuisances upon, within city limits, 687.
- special assessments for improving navigable waters, 1440 n.
- obligation of city to protect lands from overflow, 1121 n.

# **ROAD DISTRICTS,**

- quasi* corporations, 37. (See QUASI CORPORATIONS.)
- political subdivisions of counties, 1640 n.
- not liable to civil actions, 1640.

# **ROADS AND HIGHWAYS. (See DEDICATION; EMINENT DOMAIN; HIGHWAYS; STREETS; SPECIAL ASSESSMENTS; TAXATION.)**

# **ROBBERY,**

- liability of treasurer for funds lost by, 434.

# **ROLLER SKATING,**

- on streets for sport may be regulated, 1166 n.

# **ROLLING MILL,**

- when a nuisance, 684 n.

# **ROMAN CITIES,**

- historical view, 3, 4.

# **RULE OF THE ROAD,**

- validity of ordinance enforcing, 1166 n.

# **RURAL LANDS,**

- within city limits, taxation of, 1395.

# **SABBATH,**

- laws and ordinances for observance of, 719.

# **SALARY. (See OFFICE AND OFFICER.)**

- of public officers, 421-424.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SALARY** — *continued*.

- of employees, 425.
- increasing or diminishing during term of office, 424 n.
- reduction of, not removal from office, 478.
- recovery of, after wrongful removal or exclusion from office, 429.
- effect of payment to *de facto* officer, 429.
- extra compensation to officer, 426, 427.
- attachment or garnishment of official salaries, 249, 428.
- mandamus* to compel local authorities to fix salary of officers, 1487 n.
  - to compel issuance of warrant for, 866 n.

**SALE.** (See also **PROPERTY**.)

- power of city to sell and convey, 991.
  - to sell water or light plant, 1301.
- stipulation on sale of gas plant to pay taxes as part price of light furnished, 1310 n.
- power to sell lands in vacated street, 1160 n.
- of dedicated lands, 1102, 1103, 1104.
- of wharves and docks, 270.
- of stock in private corporation owned by city, 818.
- of municipal bonds, 895.
  - at not less than par, 895.
- mode of alienation of municipal property, 994.
- of municipal property to highest bidder, 995.
- of franchises for public utilities to highest bidder, 1220 n., 1305.
- when sale of franchise for cash implied, 1305.
- contract to sell land not within statute regulating furnishing of materials and supplies, 772 n.
- injunction against letting or sale of common, 1579 n.
- of property of municipalities on execution, 992.
- for delinquent taxes, 1418-1421.

**SALOONS.** (See **INTOXICATING LIQUORS**.)

- power to regulate tax etc., 69 n., 105, 302 n., 661 n., 669-676, 1408 n.
- regulation of time of keeping open, 672.
- power to license inns gives no power to tax, 1408 n.
- may be taxed for maintenance of police force, 104 n.
- ordinance to suppress tippling-houses held valid, 632 n., 753 n.

**SALVATION ARMY,**

- ordinances with respect to, 589 n., 632 n.
- liability for injuries to employees, 1661 n.

**SANITARY DISTRICT,**

- public and municipal character of, 34 n.

**SANITARY REGULATIONS.** (See **HEALTH**; **QUARANTINE**.)

**SCHOOLS AND SCHOOL DISTRICTS,**

**I. SCHOOL DISTRICTS,**

- quasi* corporations of limited powers, 34 n., 36, 37.
- public, but not municipal corporations, 34.
- corporate character of boards of education, 36 n.
- created for "municipal purposes," 73.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## SCHOOLS AND SCHOOL DISTRICTS — *continued*.

### I. SCHOOL DISTRICTS — *continued*.

- legislative control, 104 n.
- prohibition of special acts conferring corporate powers does not include, 71.
- classification of, under prohibition of special laws, 172.
- included in limitation of debt of "political or municipal corporation," 192.
- when boards of education are city officials, 400.
- powers of, how determined, 36 n.
- regular organization, proof of, 232 n.
- power to borrow money, 280.
- individual bond of school directors for borrowed money, 785 n.
- power to issue negotiable securities, 881.
- power to issue bonds for school furniture, 883 n.
  - for part interest in private school, 883 n.
  - railroad aid bonds, 1372 n.
- abolition of old and formation of new districts, effect on title to property, 360 n.
- notice of school meetings, (in New York), 507 n.
- proof of proceedings of, 558 n.
- rules and regulations of school boards must be reasonable, 589 n.
- records of school district, parol evidence, 556.
- mandamus* to school officers, 1482 n.
- attorney-general cannot enjoin collection of taxes levied by, 1590 n.
- implied liability *ex delicto*, 1638.
  - governmental functions; *Hill v. Boston*, 1642, 1643.
- not liable to civil action for neglect of duty, 1640.
- liability of school boards for injuries to pupils, 1638 n., 1641 n., 1642.
  - for negligence in maintaining school buildings, 1658.
  - for acts of attendance officer, 1658 n.

### II. SCHOOL-HOUSES,

- establishment of, as a municipal power, 34 n.
- power to erect school-house in public park, 1096.
  - in public square, 1097 n.
- erection of school-house without express authority, 300 n.
- application of corporate funds to purchase of interest in school building, 280 n.
- property held in trust for benefit of schools, 131 n.
- conveyance for school-house, valid, 977 n., 981.
- grants of sites on condition subsequent, 979.
- devises and gifts for public schools, valid, 987 n.
- trusts for educational purposes, 983-985, 988.
- grant to city in trust for particular individuals, 989.
- dedication of lands for school purposes, 1097 n., 1100, 1102 n.
- alienation of dedicated lands, 1102 n.
- power to mortgage, 996 n.
- stipulation in franchise that street railway carry pupils at half fare, 1230 n.
- stipulations in water franchises for free supply, 1306 n., 1326 n., 1338 n.
- liability to sale on execution, 992 n.
- public improvement, within mechanics' lien law, 831 n.
- not liable to ordinary municipal taxation, 1396.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SCHOOLS AND SCHOOL DISTRICTS — *continued*.**

**II. SCHOOL-HOUSES — *continued*.**

exemption from taxation, 1401 n.

special assessments against school-houses, 1396 n., 1444 n., 1446 n.

**SCRIP,**

to circulate as money, 291, 777 n., 782, 795, 856 n.

act authorizing particular city to issue scrip for particular purpose, void, 71.

unauthorized issue enjoined by taxpayer, 1584 n.

**SEAL,**

power to adopt and alter corporate, 361.

what is sufficient seal, 361 n.

when not necessary, 363.

*mandamus* to obtain possession of, 559, 1505.

when appointment of attorney in fact need not be under seal, 361.

not necessary to municipal contract, 784.

contracts under seal, 789.

effect of authoritatively affixing, 361, 919 n.

affixing of seal to unauthorized contract not binding, 361 n., 791 n.

seal attached and properly attested, *prima facie* evidence, 362.

to conveyances by city, 997 n., 998.

lease held void for want of seal, 363 n.

on municipal bonds, 889.

attached to bonds and to corporate note, effect, 363 n.

power to affix seal to county bonds outside of county, 919 n.

where bonds are stolen and seal forged, 960.

when necessary on warrant, 852.

limitation of actions on warrants under seal, 865.

*mandamus* to compel officer to affix seal, 1487 n.

contracts not under seal when binding, 363, 784.

implied contracts, when binding, 363, 793-795, 1615. (See ASSUMPSIT.)

individual seal of officer to contract, effect of, 785.

how proved, 362, 919 n.

**SECOND-HAND CLOTHING,**

ordinances regulating trade in, 589 n.

prohibiting introduction into city, 666 n.

**SEIZURE,**

exemption of municipal revenues and property from judicial seizure, 248, 992.

trespass for illegal seizure under void assessment, 1652 n., 1653.

**SELECT BODY. (See COUNCIL; MEETINGS; QUORUM.)**

**SELECTMEN,**

power of, to bind town, 42 n., 308 n., 522 n., 785 n., 788.

**SELF-GOVERNMENT,**

local right of, 98, 99, 100.

home rule provision of New York and Wisconsin constitutions, 101.

**SET-OFF,**

right of officer to, in respect to his salary, 429 n.

statute authorizing, by municipal debtors, 821 n.

purchase of judgment against creditor of city to be used as, 791 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SET-OFF** — *continued.*

- debtor may procure city's obligations for purpose of, 821 n.
- suits to collect taxes and assessments not subject to, 1414 n., 1465.
- right of city to, in action for services rendered and materials furnished, 1612 n.

**SETTLEMENT,**

- of disputed claim, power to make, 821.
- power to arbitrate claims, 822.

**SEWERS AND DRAINS.** (See **SPECIAL ASSESSMENTS; STREETS; SURFACE WATER.**)

**I. CONSTRUCTION,**

- power of legislature to compel city to provide, 120.
- sewer commissioners are municipal officers, 97.
- creation of sewage district; New Jersey, 1434 n.
- power to construct, 268 n., 1149, 1154, 1156 n., 1462.
- nature of power to construct, 97, 1462.
- governing body judge of necessity, 1151, 1152 notes.
- construction under police power, 1438, 1442, 1461.
- scope of incidental powers, 1462.
- authorized by power to construct "drains, ditches," etc., 1458 n.
- construction of, in streets, 1148.
- city may construct without liability for removing water pipes, 1212 n.
- power of city to construct sewer in turnpike road, 1138 n.
- construction of private sewers in streets, 589 n., 1176.
- reservation of right to use dedicated street for sewer purposes, 1075 n.
- right of municipality to remove private sewers in dedicated land, 1076 n.
- power to extend beyond city limits, 352 n., 776, 1028 n., 1148, 1742 n.
- council may order sewer to be built by committee, 537 n., 573 n.
- charter requirement that council shall fix dimensions, 244 n.
- executive officers have no authority to convert private drain into public sewer, 1739 n.
- right of abutters to connect with, 1162.
- compelling connection with, 698 n., 1461 n.
- contribution by abutters to expense of making, 1463.
- issuing bonds for, as permanent improvement, 883 n.
- submission of bond proposition to electors, 891 n.
- special exceptions of debt for sewers from limitation of indebtedness, 190, 214.
- exercise of power of eminent domain for, 1034, 1039 n.
- power of city to condemn lands beyond municipal limits, 1028 n.
- measure of damages for land condemned for, 1062 n.
- compensation to city for taking of sewer system by Federal government, 1022 n.
- object of gutters, and municipal control of use, 1162.
- purchase of right of way for a ditch, agreement to construct, 1045 n.
- where city tore up good pavement for purpose of constructing, expense, 1447 n.
- use of stream as sewer, dedication established by long user, 1080 n.
- city cannot discharge drainage into mill-race, 1742.
- provisions against pollution of water supply, 1316.
- legislature may prohibit discharge into river, 115 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## SEWERS AND DRAINS — *continued*.

### I. CONSTRUCTION — *continued*.

- implied liability for services of inspector, 825 n.
- injunction to restrain construction, 1739 n. (See INJUNCTION.)
- maintenance of gratings over entrance to, injunction to prevent, refused, 1571 n.
- reconstruction and enlargement of culvert, injunction to restrain, 1683 n.
- injunction against maintenance of nuisance by city, 685 n.

### II. ASSESSMENTS,

- how to be paid for, 1443 n., 1463.
- exemption from local assessment for, 1396 n., 1444 n.
- apportionment of expense, how to be made, 1463.
- drainage of lands at expense of property benefited, 1433 n.
- construction by special assessment, 1458.
- assessments on basis of value without improvements, 1463 n.
- special assessments; Pennsylvania, 1441.
  - by drainage districts; Illinois, 1439 n.
  - proportion to benefit, frontage; area, 1459.
  - according to area; Michigan, 1438.
  - against non-abutting property, 1460.
  - for pumping station for sewage system, 1440 n.
  - for lateral sewers, 1439 n., 1442 n.
  - for house connections, 1458 n.
- special assessment, provision for outlet, 1458 n.

### III. LIABILITY,

- general propositions as to municipal liability, 1742-1745.
- negligence as ground of liability for defective sewers, 1732 n., 1739, 1741-1745.
- for negligence in constructing or repairing, 1664 n., 1665 n., 1673 n., 1742-1745.
- civil liability in respect to surface-water, drains, and sewers, 1731-1746.
- for omission to provide drains to carry off surface waters, 1734.
- of city for failure to provide, 1739.
- for insufficient or defective waterways or culverts, 1731 n.
- for error of judgment upon which system was devised, 1739 n.
- for insufficiency in size or capacity, 1739.
- for defect or want of efficiency in plan, 1739, 1745.
- where plan proved defective, 1626 n., 1717 n., 1733 n., 1739-1745.
- as to public sewers constructed and controlled by city, 1739, 1745.
- for negligence where duty becomes ministerial, 1741, 1742.
- for negligence in construction, 1735.
- for failure to keep in repair, 246 n., 1740 n., 1742-1745.
- for failure to keep free from obstructions, 1665, 1719 n.
- where sewer becomes a nuisance, 704 n., 1131 n.
  - indictment, 1598.
- for unlawful construction on private lands, 1651.
- for direct invasion of private property, 1740.
- house vault flooded from defective sewer, 1123.
- discharge of sewage on private property a nuisance, 1739 n.
- discharge of water and sewage on private lands, 1673 n., 1736 n., 1742 n.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## SEWERS AND DRAINS — *continued*.

### III. LIABILITY — *continued*.

discharge of sewage into stream a nuisance, 1740 n.

rights of riparian proprietor, 1740 n.

drain at end of wharf, 1740 n., 1742 n.

liability for sickness and disease resulting from defects, 1744.

for defects; result summarized, 1745, 1746.

for ordinance wrongfully depriving abutter of right to connect,  
1626 n.

damages accrue to owner of property at time of injury, 1731 n.

where abutter constructed gutter in manner other than as ordinance re-  
quired, 1732 n.

statutory obligation of city to purify sewage before discharge, 1740 n.

## SHADE TREES. (See TREES.)

## SHIPPING,

*locus* for purposes of taxation, 1390, 1391.

taxation of, on basis of tonnage, 1391 n.

state taxes on gross receipts of steamship company, 1359 n.

maritime liens on municipal property, 993.

police boat not subject to seizure under lien for wharfage, 993 n.

liability in admiralty for negligence of city fire boat, 1644.

## SHOOTING GALLERY,

municipal liability for permitting near highway, 1703 n.

city not liable for injury caused by bullet from, 1628 n.

## SHOOTING GROUND,

near public highway may be a nuisance, 684 n.

## SHOWS. (See EXHIBITIONS.)

defined, 667 n.

use of streets for, 1174.

## SIDEWALKS. (See SPECIAL ASSESSMENTS; STREETS.)

### I. CONSTRUCTION AND MAINTENANCE,

included in term "street," 1147 n., 1447 n.

power to compel building of, 1147.

power to construct sidewalks construed, 1146 n.

construction of, along turnpike, 1138 n.

reasonableness of ordinance requiring construction in rural territory, 589 n.

constructed in exercise of police power; Wisconsin, 1438.

power to determine width, 1161 n.

municipal control over width, 1143 n.

land dedicated for street, lot-owners cannot be deprived of sidewalks, 1072 n.

right of lot-owner to raise or lower, 1132 n.

measure of damages where sidewalk is lowered, 1061 n.

contracts to build, 771 n.

right of abutter to build house-vaults under, 1122, 1178, 1179. (See  
ABUTTER.)

power of abutters to make openings in, 1131 n., 1178, 1179, 1183.

city may impose conditions, 1154 n., 1156 n.

awnings over sidewalks, 589 n., 684 n. (See AWNINGS.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SIDEWALKS** — *continued*.

**I. CONSTRUCTION AND MAINTENANCE** — *continued*.

- staircase in sidewalks not necessarily a nuisance, 684 n.
- gas pipes may be laid under without liability to abutter, 1213 n.
- special assessment against abutters for construction of, 1442.
  - in proportion to frontage, 1437 n.
  - for improving, 1378 n.
- cost of gutter included in assessment for constructing, 1446 n.
- particular charter as to cost of making, etc., construed, 1462 n.
- power of city to remove for failure of abutter to pay assessment, 1147 n.
- power to compel abutter to keep in repair, 1697 n.
- failure of abutter to remove unsafe sidewalk after notice, 1457 n.
- duty of municipality to keep in repair, 1699.
- duty to repair implied from user, 1700 n.

**II. USE, AND REGULATION THEREOF,**

- ordinances prohibiting use of, to display goods, 599 n.
- prohibiting bicycles on, 712 n.
- temporary obstructions by building materials, 1170.
- temporary obstructions for loading and unloading goods, 1168, 1169.
- skids placed across sidewalks, 1131 n.
- placing or carrying of sign-boards on, 589 n.
- carrying placards and signs on, 713 n.
- obstruction by swine, 1161 n.
- whether abutter may be required to clear snow from, 713, 1697 n., 1704 n.,  
1726 n. (See SNOW AND ICE.)

**III. LIABILITY,**

- liability for defects in, 1700 n.
- liability for defective grating, 1671 n.
- iron gas-box may be actionable defect, 1698 n.
- cover of glass and iron made smooth by wear, liability, 1704 n.
- liability for snow and ice on, 1697, 1726. (See SNOW AND ICE.)
  - for slippery sidewalks, 1697, 1712 n.
  - for defective awnings and falling substances, 1705.
  - for defect in sidewalk built by private person, 1704 n.
- built on private property, liability of city for defects, 1700 n.
- liability of municipality and abutter for defects, 1704.
- liability of abutter, 1697, 1704 n.
  - to traveller, and to municipality in case of non-repair, 1704.
- liability of owner and tenant for defects in, 1726 n.
  - for accumulations of snow and ice, 1726 n.

**SIGNS,**

- regulation of, 697.
- show-boards and signs on sidewalks, 589 n., 713 n.

**SINKING FUND,**

- provision for, as part of contract with creditor, 113.
- bonds in, not debt under limitation, 206.
- funded debt, what is, 295 n.

**SKIDS,**

- placed across sidewalks temporarily, not nuisances, 1131 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SLAUGHTER HOUSES,**

- when nuisances, 684 n.
- power to regulate and prohibit, 665 n., 677 n., 684 n., 691.
- ordinances to regulate slaughtering of animals, 594 n.
- exclusive rights to maintain, 668 n.
- indictment against city officials for permitting nuisance, 1599.

**SLEEPING CAR COMPANIES,**

- taxation of, interstate commerce, 1357, 1361.

**SMALL POX,**

- municipal authority and liability in respect to, 304, 305.

**SMOKE AND NOXIOUS VAPORS,**

- whether or not nuisances, 684 n.
- suppression of smoke nuisance, 694.
- elements of damage entitling abutter to compensation from elevated railway company, 1264 n.
- suit by State to enjoin nuisance in adjoining State, 1295.

**SNOW AND ICE,**

- removal of, from roofs of buildings, 712 n.
- ordinances for removal of, from sidewalk, 713, 1697 n., 1704 n., 1721 n.
- liability for permitting in street, 1697 n.
- liability for injury by reason of accumulation of, 1697.
- whether owner of abutting property is liable, 1697, 1704.
- liability of abutter when snow and ice fall from roof, 1697 n.
  - of city for fall of snow and ice from roof, 1705 n.
  - for injury from, in streets; slippery sidewalks, 1697, 1712 n.
  - of owner and tenant for accumulations of, 1726 n.

**SOAP AND CANDLES,**

- manufacture of, within city limits, 677 n.

**SOIL,**

- right of lateral support of, inapplicable with respect to streets, 1153, 1677 n.
- right to remove from street for use elsewhere, 1149, 1154, 1689 n.

**SPAIN,**

- historical view of cities in, 8.

**SPECIAL ACTS. (See CHARTER; GENERAL LAWS.)**

- incorporation of municipalities by, 70.
- distinction between general and special legislation, 70 n.
- prohibition of special acts conferring corporate powers, 71.
- does not include *quasi* corporations, 71.
- school district a municipal corporation under constitutional provision, 36 n.
- constitutional provisions, 70 n., 140.
- policy and purpose of prohibition, 141.
- general and special laws defined, 142.
- uniformity of operation under constitutional prohibition, 143.
- constitutional requirement of uniformity of operation, 144.
- requirement of uniformity of operation in Ohio Constitution, 145.
- province of the courts, 146.
- classification of municipalities, 147.
  - must be founded on necessity or propriety, 148.
  - must be germane to subject matter, 149.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SPECIAL ACTS — *continued*.**

- statute must include all belonging to class, 150.
- classification by population, 151.
- provision for future members of class, 152.
- determining population for purposes of classification, 153.
- classifications resulting from substantive provisions, 154.
- statutes conditioned on acceptance by municipality, 155.
- classifications based on existing circumstances, 156.
- municipalities existing under special charter, 157.
- limitations founded on time, 158.
- arbitrary and unreasonable classifications, 159.
- statutes resulting in specific designation of municipality, 160.
- geographical distinctions, 161.
- laws creating municipalities or amending charters, 162.
- statutes affecting only one municipality, 163.
- incidental matters, 164.
- temporary and transient expedients to change municipal government, 164.
- what are municipal affairs or business, 165.
- ordinances not within constitutional prohibition, 166.
- repealing statutes, 167.
- general classification acts, 168.
- transition from one class to another, 169.
- classification of counties, 170.
  - of townships, 171.
  - of school districts, 172.
- laws relating to taxes, 173.
- streets are not "highways" under prohibition, 174, 1121 n.
- "when general law can be made applicable," 175.
- exercise of power of eminent domain not a municipal matter, 1024 n.
- when in conflict with general laws, 235.
- special act authorizing construction of street railway held void, 71 n.
- grants of easement in street cannot be made by, 73 n.
- authorizing issue of bonds in aid of railroads construed, 1404 n.
- creating board of park commissioners held void, 1034 n.

**SPECIAL ASSESSMENTS. (See also TAXATION.)**

**I. GENERAL PRINCIPLES; CONSTITUTIONALITY AND VALIDITY,**

- distinguishing characteristics, 1430.
- a branch of the taxing power, 1431.
- valid exercise of power of taxation, 1431.
- not recognized in South Carolina, 1431 n.
- expediency a question of legislative discretion, 1431.
- power to levy must be plainly conferred, 1377.
- Fourteenth Amendment to Federal Constitution, 1432, 1436.
- constitutional provisions; uniformity and equality; taxation in proportion to value, 1433.
- constitutional restrictions; Arkansas, 1366.
  - Louisiana, 1369.
  - Mississippi, 1370.
- constitutionality of Barrett Law of Indiana, 1352 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SPECIAL ASSESSMENTS — *continued*.**

**I. GENERAL PRINCIPLES; CONSTITUTIONALITY AND VALIDITY — *continued*.**

creation of special taxing districts, 1436, 1437.

New Jersey, 1434, 1435.

in proportion to frontage, area, etc.; *Norwood v. Baker*, 1436.

front foot rule; *French v. Barber Asphalt Paving Co.*, 1436.

validity under state law, 1437.

Pennsylvania, Michigan, Wisconsin, 1438.

constitution of Illinois, special taxation, 1439.

construction of word "fronting," 1437 n.

corner lots, 1437 n.

for sewers; proportion to benefit, frontage; area, 1459.

arbitrary and unreasonable burdens on abutters, 1436 n.

apportionment of damages for lands taken among lots benefited, 1052.

special and general benefits to property assessed, 1440.

Pennsylvania, 1441.

on basis of value of lands without improvement, 1463 n.

whether whole cost may be imposed on abutter, 1442.

general result summed up, 1443.

exemption from taxation does not exempt from special assessment, 1444.

distinction between "tax" and "assessment" as used in constitutions and statutes, 1445.

power to ratify void local assessment, 127, 128.

curative legislation; re-assessments, 1469.

including interest in re-assessment, 1469 n.

estoppel to plead unconstitutionality of statute; Ohio cases, 800.

**II. PURPOSES FOR WHICH ASSESSMENT MAY BE LEVIED,**

meaning of words "local improvement," 1440 n.

what constitutes a single improvement; Illinois, 1439.

expenses of defending suits not to be included, 1440 n.

fire protection an element of benefit, 1440 n.

for opening country roads, 1440 n.

to raise money to aid railroad, 1440 n.

for lighting works and appliances, 1440 n.

for waterworks and mains, 1323, 1440 n.

for public parks, 1440 n.

for pumping station for sewage system, 1440 n.

for planting shade trees, 1440 n.

for improving navigable waters, 1440 n.

for cost of filling and grading low-lying lots, 1442.

power to improve streets construed, 1448-1450.

what is an original paving; Pennsylvania, 1441.

for grading and improving street under power to open street, 1042.

for construction of sidewalks, 1442.

for repaving streets, 1447.

for sweeping and cleaning streets, 1447 n.

for repairs to streets, 1447.

for sprinkling streets, 1447.

for construction of sewers, 1458.

under police power, 1461.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SPECIAL ASSESSMENTS — *continued*.**

**II. PURPOSES FOR WHICH ASSESSMENT MAY BE LEVIED — *continued*.**

- for construction of sewers; scope of incidental power, 1462.
- for house connections with sewers, 1458 n.
- provision for outlet for sewers, 1458 n.
- contribution by abutters to expense of making sewers, 1463.

**III. PROPERTY SUBJECT TO ASSESSMENT; LIABILITY,**

- public and municipal property, 1446.
- lands owned by Federal government exempt, 1355 n.
- property of State, 1446 n.
- railroad property, 1451.
  - for sewers, 1459 n.
- railways in streets, 1276 n., 1452.
- non-abutting property for sewers, 1460.
- meaning of "contiguous property"; Illinois, 1439 n.
- personal liability of property owner, 1421 n., 1453.
  - of non-residents, 1453 n.

**IV. CONTRACTS FOR IMPROVEMENTS,**

- power to contract for local improvement, 1465.
- contracts for local improvements, 825.
- consent of property owners, 826.
- stipulations by contractor to maintain pavements in repair, 829.
- fraud in making contracts for improvements, 778.
- acceptance of work, 1465.
- time of completion; Missouri, 1467.
- contracts payable from assessment only, 827.
- municipal liability to contractor for defective assessment, 827.
  - for delay in making, 827.
  - for refusal to make, 827.
- implied guaranty by city to contractor of sufficiency of abutters' consent, 827 n.
- vested rights under completed assessment, 827 n.
- right of abutters to sue on contractor's bond, 830 n.
- improvement bonds payable from assessment only, 893.
- suit by holder of improvement bond to foreclose assessment lien, 893 n.
- warrants payable from special assessment only, 860.
- release of abutters from assessment by change of grade after contract made, 820.

**V. PROCEDURE IN MAKING ASSESSMENT,**

- prescribed mode must be pursued, 1402.
- conditions precedent to abutter's liability, 1466, 1467.
- assent of abutters when required is jurisdictional, 1454.
- estoppel by silence and acquiescence, 1455.
- estoppel by signing petition for improvement, 1456.
- when notice to abutter is necessary, 1457.
- due process of law; right to notice and hearing, 1365.
- sufficiency of notice, 1457 n.
- validity of assessment roll, etc., 1402 n.
- sufficiency of description of property assessed, 1402 n.
- sufficiency of engineer's report, 1402 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SPECIAL ASSESSMENTS — *continued*.**

**V. PROCEDURE IN MAKING ASSESSMENT — *continued*.**

validity of resolution of intention, 1402 n.  
 validity of ordinance directing improvement, 1402 n.  
*mandamus* to compel making of assessment, 1487 n.  
*certiorari* to review proceedings, 1592.

**VI. PAYMENT; ENFORCING COLLECTION,**

interest on assessments, 1468.  
 payment in instalments, 1416 n., 1464.  
 lien of assessments payable in instalments, 1464.  
 interest on deferred instalments, 1464.  
 not usually subject to set-off or county claim, 1465.  
 mode of collecting, 1414.  
 summary collection may be authorized, 1413.  
 cannot be enforced by fines, 1379 n.  
 action for, in name of corporation, 1421 n.  
 limitation of actions to recover, 1194 n.  
 liability for illegal seizure of property under void assessment, 1653.

**SPECIAL BENEFITS. (See SPECIAL ASSESSMENTS.)**

**SPECIAL MEETINGS. (See MEETINGS.)**

provision in English Municipal Corporations Acts in respect to, 506.  
 what business may be transacted, 505 n.  
 authority of clerk to call and warn, 507 n.

**SPECIFIC PERFORMANCE,**

of obligation of public service corporation to sell works at appraised value, 1312.  
 to compel compliance with condition of franchise of public service corporation, 1311.

**SPRINKLING,**

levy of general tax for, 1447 n.  
 special assessments for, 1437 n., 1447, 1499 n.  
 street sprinkling proper public purpose under contract for water supply, 1317 n.  
 liability for negligence of driver of street sprinkling cart, 1662 n.

**SQUARES. (See also PARKS.)**

defined, 1097 n.  
 public nature of, 1122.  
 extent of legislative control, 1122.  
 power of legislature to authorize sale, 1103.  
 taking private property for, 1034, 1094.  
 dedication of lands for use as, 1073, 1078, 1095-1099.  
 dedication by marking on plat, 1097.  
 when dedication not implied from plat, 1085.  
 uses to which public squares may be devoted, 1097.  
 erection of county buildings on public square of town, 1097.  
 enclosure and ornamentation of, 1098.  
 use of, by county, 1099.  
 private dwellings, etc., cannot be erected on, 1097.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SQUARES** — *continued.*

- power to lay out streets or highways in, 1097, 1098 n.
- power of legislature to authorize construction of railroad in, 1103 n., 1573 n.
- injunction against sale by city of dedicated lands, 1579 n.
- ejectment by city to recover possession, 1133 n.
- right of abutters in, 1131 n., 1132 n., 1134.
- relief against encroachments in equity at instance of abutters, 1132.
  - against erection of buildings in, 1621 n.
- liability for, and dangerous excavation, 1671.
- ordinances forbidding preaching, etc., on, 589 n., 632 n.

**STABLES,**

- regulation of, 692.
- power to regulate place of erection, 665 n.

**STAGE-COACHES.** (See **VEHICLES.**)

**STAIRS,**

- encroaching upon streets, 1131.

**STALLION,**

- exhibition of, in public streets, 685. (See **ANIMALS.**)

**STATE,**

- distinction between the State and its corporate creations, 43.
- like distinction existed in the Roman Law, 43.
- as municipal corporations, 43.
- devise to a State valid, 43.
- power to contract, 43.
- power to maintain action, 43.
- suits in name of, or of attorney-general, 1574 *et seq.*
- cannot be sued without its consent, 43.
- limitation of State debt does not apply to municipality, 192.
- State revenue laws, 1404 *et seq.*
- power to condemn lands of State, 1022 n.
- liability for interest on claims, 867.
- mandamus* to public officers of, 1491.
  - to governor, 1491.
- action by attorney general to recover moneys fraudulently obtained, 1578.
- taxation of property of, 1396, 1397.
- taxation of state bonds, 1399.
- instrumentalities of, not taxable by Congress, 1398.
- special assessments against property of, 1446 n.
- State alone can question municipal power to acquire and hold property, 990.
- entry on lands to survey and locate boundary lines, 1050 n.

**STATUES,**

- erection in public parks, 1096.

**STATUTE OF FRAUDS,**

- resolution as note or memorandum in writing, 783.
- verbal promise of mayor to pay for material, 814 n.
- applicability to contracts between municipalities for water supply, 1299 n.
- contracts with water company for fire protection, 1340 n.
- not applicable to dedications to public use, 1079 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STATUTE OF LIMITATIONS.** (See **ADVERSE POSSESSION**; **LIMITATION OF ACTIONS.**)

**STATUTES.** (See **CHARTER**; **CONSTITUTIONAL LAW**; **LEGISLATURE**; **SPECIAL ACTS.**)

constitutional provisions as to incorporation, etc., 61.

prohibition of special acts conferring corporate powers, 71.

constitutional requirement that object be stated in title, 75.

power of legislature to delegate to judiciary authority to incorporate municipalities, 62.

general municipal incorporating acts in United States, 61.

special acts and general laws creating municipalities, 70.

construction of general classification acts, 168.

repeals and amendments and their effect, 233.

effect of repeating clauses in, 234.

when deemed substitutes for former statutes, 234 n.

constitutional requirement as to objects and title, not applicable to ordinances, 577.

usage as affecting construction, 241.

acts of municipality as practical construction of powers, 883.

curative statutes. (See **CURATIVE ACTS.**)

laws validating incorporation, 68.

legalizing obstructions to be strictly construed, 1128.

special statutory jurisdiction excludes *quo warranto*, 382, 1553 n.

**STEAMBOATS,**

power to tax. (See **SHIPPING**; **TAXATION.**)

ordinance requiring spark arrester on, 589 n.

no implied power in municipality to aid steamboat line, 321 n.

**STEAM ENGINES,**

not nuisances *per se*, 592 n., 690 n.

ordinances prohibiting use of, 598 n.

use of, on streets as means of locomotion, 1165, 1168 n.

**STEAM FLOURING MILL,**

whether a nuisance, 684 n.

**STEAM MOTOR,**

use of, by street railways, 1248 n., 1249, 1702 n.

**STEAMSHIP COMPANIES.** (See **SHIPPING**; **STEAMBOATS.**)

interstate commerce; taxes on gross receipts, 1359 n.

**STEAM THRESHING MACHINE,**

highway may be used for passage of, 1165.

**STOCK,**

taxation of, *situs*, 1389 n.

stamp tax on transfers, 1389 n.

municipal subscriptions in aid of railroads, 313-318, 319, 884.

power of city to sell stock, 818, 991 n.

rights of municipality as a stockholder, 942 n.

ownership of stock in contracting corporation as pecuniary interest in contract, 773.

**STOCK-YARDS,**

whether nuisances, 684 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STOOP,**

use of portion of street for, 1184.

**STRAYS.** (See also **ANIMALS.**)

ordinances imposing fines, 723.

**STREET FRANCHISES.** (See also **ELECTRIC COMPANIES; GAS AND GAS COMPANIES; LIGHTING; PUBLIC UTILITIES; RAILROADS; STREET RAILWAYS; STREETS; TELEGRAPH AND TELEPHONE COMPANIES; WATER AND WATERWORKS.**)

subject treated, Chapter XXV, §§ 1210-1281.

**I. POWER TO GRANT; GENERAL PRINCIPLES,**

franchise defined, 1210.

essential elements, 1210.

franchise and license distinguished, 1210 n.

nature of right or privilege to use streets, 1210.

how authority to occupy and use streets conferred, 1233.

grants to corporations and individuals for public utilities, 1304.

delegation to municipalities of power to grant, 1234.

conditions attached to grants of franchises, 1304.

exclusive right cannot be granted by city without express legislative authority, 1215-1218, 1234.

when grant is not exclusive, 1219.

simple grant is not exclusive, 1308.

right to construct water pipes and mains in street, 1211.

reservoir or water tank not legitimate use of street, 1212.

power to grant for lighting purposes, 1214.

use of streets for supplying light to private persons, 1213.

grant of franchise for gas pipe and electric lighting appliances, 1214.

grant of authority to use streets for telegraph and telephone poles, 1220.

power of city to provide for sale at auction, 1220 n.

sale of, at auction for percentage of receipts, 1230 n.

grants of, to be construed strictly, 1233.

practical construction of grant of franchise, 1233 n.

contract rights which cannot be impaired, 1220 n., 1242.

liability for wrongful repeal of ordinance granting, 1626 n.

power to grant for street railway implied from control of streets, 1234, 1239.

power to grant franchise for steam or commercial railway not implied from control of streets, 1234.

grants of franchises for ordinary horse railways, 1235-1238.

power of legislature to authorize use of *locus* of existing tracks by second company, 1240.

railroad uses must not exclude public travel, 1241.

exercise of conflicting franchises, 1243.

legislative authority protects from public prosecution, 1247.

franchise subject to paramount municipal duty to maintain and improve streets, 1271.

police power as affecting public franchise right, 1269.

exclusive grant of right to supply gas is subject to, 1214.

reasonableness of regulations, 1269, 1270.

municipal control; police authority, 1272.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## STREET FRANCHISES — *continued*.

### I. POWER TO GRANT; GENERAL PRINCIPLES — *continued*.

- municipal control; rate of speed of railway trains; obstruction, 1272.
- permits to open street, 1273.
- removal of overhead wires, 1274.
- rental charges; charges for inspection and supervision, 1275.
- obligation of railroad company to restore street; paving and repaving, 1276.
- general conclusions, 1277-1281.

### II. MUNICIPAL CONSENTS TO EXERCISE OF LEGISLATIVE GRANTS,

- legislature may grant without consent of municipality, 1222.
- constitutional provisions requiring consent of municipality, 1223-1231.
- franchise comes from legislature and not from consenting municipality, 1228.
- essential, when required to exercise of franchise right, 1226.
- invalid for bribery or corruption, 1227 n.
- when vote of electors required, 1227 n.
- construction of underground railway in street, 1225.
- necessity for, before using existing railway tracks, 1226.
- new consent necessary where previous franchise has expired, 1232 n.
- given in governmental and not in private capacity, 1227 n.
- by what body given, 1227.
- power cannot be delegated by designated local authority, 1227.
- mode of giving consent, 1227.
- presumed from long continued user of streets, 1227.
- power of municipality to attach conditions, 1229.
  - of legislature to attach additional conditions, 1227, 1228.
  - of legislature to modify or abrogate conditions imposed by municipality, 1228.
- validity of conditions, 1229, 1230.
- conditions; time of completion; forfeiture and damages for breach, 1231.
- reservation of right to repeal or revoke, 1231.
- deposit of money or bond to secure performance, 1231.
- conditions requiring payment of compensation or percentage of gross earnings, 1230.
- stipulations as to rates of fare, etc., 1230 n.
- stipulation that street railway carry school children at half fare, 1230 n.
- stipulations that city may purchase works and plant, 1230 n.
- right of city to enjoin construction without its consent, 1226 n.
- taxpayer's action to set aside municipal consent, 1227 n.

### III. CONSENTS OF ABUTTERS,

- consent of abutters to construction of railroads in street, 1232.
- power to attach conditions, 1232.
- pecuniary inducements to obtain consents, 1232.
- consent of city as owner of land, 1232 n.
- right to question limited to State and property owners, 1232 n.

### IV. RIGHTS OF ABUTTERS; ADDITIONAL SERVITUDES,

- doctrine of abutter's easements, 1245.
- legislative authority no defence when rights of abutter invaded, 1247.
- extent of public right in street when fee in abutter, 1211.
- water mains and pipes not an additional servitude, 1212.
- public lighting not an additional servitude, 1213.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## STREET FRANCHISES — *continued*.

### IV. RIGHTS OF ABUTTERS; ADDITIONAL SERVITUDES — *continued*.

- distinction between urban streets and rural ways for lighting purposes, 1213.
- horse railway not an additional servitude, 1248.
- street railways operated by mechanical power, 1249.
- steam railroads, where fee is in public, 1250.
  - when fee in abutter, 1251.
  - an additional burden, 1252.
  - rule in Illinois, 1253.
- steam railroad; rule in Pennsylvania, 1256.
  - rule in Texas, 1257.
- steam and street railways; rule in Missouri, 1254.
  - rule in New York, 1255.
- interurban street railways, 1258.
- elevated railways, New York legislation, rights of abutters, 1259-1261.
  - development of the law, 1262.
  - measure of damages; benefits, 1263.
  - remedies of abutters at law and in equity, 1264.
- telegraphs and telephones, right of abutter to compensation, 1221.
- liability of city for damages sustained by abutter, 1246.

### V. DURATION OF FRANCHISES,

- rights in perpetuity, 1265.
- right limited by life of public easement, 1266.
  - by life of municipality, 1267.
  - by corporate life of grantee, 1268.
- rights of city and public service corporation at expiration of franchise, 1315.

### VI. REMEDIES FOR UNAUTHORIZED EXERCISE OF FRANCHISE RIGHTS,

- unauthorized use of street for railroads and other utilities; remedies, 1244.
- quo warranto* to try validity of franchise, 1552 n.
- unauthorized exercise may be attacked by *quo warranto*, 1244.
- suit by attorney-general to restrain unauthorized laying of gas pipe, 1244 n.
- right of grantee to enjoin unauthorized exercise of conflicting franchise, 1244.
- taxpayers' action to restrain grants of, 1585 n.

## STREET RAILWAYS. (See also FRANCHISES; PUBLIC UTILITIES; RAILROADS; STREET FRANCHISES; STREETS.)

### I. GRANTS OF FRANCHISES,

- construction and ownership by municipality, a city purpose, 1294.
- how authority to occupy and use streets conferred, 1233.
- legislative power and municipal control, 115, 1222, 1237.
- legislative sanction necessary, 1237.
- special constitutional limitations on legislative power, 1222-1225.
- delegation to municipality of power to grant franchises in street, 1234, 1239.
- power to regulate location, etc., cannot be conferred on court, 95 n.
- power to grant franchise for ordinary street railway implied from control of street, 1234, 1239.
- charter power of municipalities in respect to, 1239.
- charter authority to city to permit railway in street, 1234 n.
- grant of franchise for ordinary horse railway, 1235-1238.
- special act authorizing horse railways held void, 71 n.
- right to operate cars in streets a license and not a franchise in Illinois, 1210 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## STREET RAILWAYS — *continued*.

### I. GRANTS OF FRANCHISES — *continued*.

- when popular vote a condition precedent to franchise, 1304.
- sale of franchises to highest bidder, 801 n., 1229 n., 1305.
- construction of subways in streets, 1155.
- underground street railways, 1224, 1251 n.
- power of legislature to authorize change from horse to cable power, 1239 n.
- power of legislature to authorize use of *locus* of existing tracks by second company, 1240.
- power to construct "turnout" to connect with depot, 1233 n.
- reservation of right to use dedicated street for railroad purposes, 1075 n.
- contract and property rights which cannot be impaired, 112 n., 1019 n., 1234 n., 1242, 1306.
- liability for wrongful repeal of ordinance granting franchise, 1626 n.
- right to use streets is subject to condemnation, 1019 n.
- power of city to guarantee bonds must be expressly conferred, 814.
- grants of franchises to be construed strictly, 1233.
- exclusive privilege to use streets and alleys, 1218 n., 1235, 1236.
- whether city may grant exclusive right, 1218, 1235, 1236, 1238.
- power of municipality to grant exclusive right or franchise must be expressly conferred, 1234.
- railroad uses must not exclude public travel, 1241.
- exercise of conflicting franchises in street, 1243.
- legislative authority to use streets protects from public prosecution, 1247.
- enforcing compliance with conditions of franchises, 1311.
- breach of condition of franchise by company; forfeiture, 1311.
- city may question corporate existence and rights of company seeking to use its streets, 1222 n.
- franchise may be included in mortgage and sold, 1234 n.
- summary of the law in respect to, 1277-1280.

### II. MUNICIPAL CONSENT TO EXERCISE OF LEGISLATIVE GRANT,

- legislature may grant right to use streets without consent of municipality, 1222.
- constitutional requirement of municipal consent, 1223-1226, 1232.
- New York Arcade Railway cases, 75 n., 1225.
- franchise comes from legislature and not from consenting municipality, 1228.
- power cannot be delegated by designated local authority, 1227.
- consent necessary for underground railways, 1225 n.
- new consent necessary where previous franchise has expired, 1232 n.
- necessity for, before using existing tracks of another company, 1226.
- municipal consent; mode of giving consent, 1227.
- consent presumed from long continued user of streets, 1227.
- by what body consent given, 1227.
- sufficiency of resolution consenting to construction, 572 n.
- power to attach conditions, 1229.
- municipal consent; power of legislature to attach additional conditions, 1227, 1228.
- power of legislature to modify or abrogate conditions imposed by municipality, 1228.
- validity of conditions, 1229, 1230.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREET RAILWAYS — *continued*.**

**II. MUNICIPAL CONSENT TO EXERCISE OF LEGISLATIVE GRANT — *continued*.**  
conditions requiring payment of compensation or percentage of gross earnings, 1230.

stipulations as to rates of fare, 1230 n., 1326.

stipulation that street railway carry school children at half fare, 1230 n.

deposit of money or bond to secure performance, 1231.

reservation of right to repeal or revoke, 1231.

time of completion; forfeiture and damages for breach, 1231.

reservation of right of city to purchase, 1264 n.

right of city to enjoin construction without its consent, 1226 n.

suit by attorney-general to enjoin construction without municipal consent, 1226 n.

**III. CONSENT OF ABUTTERS,**

consent of abutters to construction of railroads in street, 1232.

power to attach conditions, 1232.

pecuniary inducements to obtain consent, 1232.

consent of city as owner of land, 1232 n.

construction of second or additional tracks, 1232 n.

right to question limited to State and property owners, 1232 n.

**IV. RIGHTS OF ABUTTERS; ADDITIONAL SERVITUDES,**

rights of abutter with respect to. (See ABUTTER.)

legislative authority no defence when rights of abutter invaded, 1247.

whether an additional servitude, 1247-1262.

horse railway not an additional servitude, 1248.

operation by mechanical power, 1249, 1555 n.

use of steam motors, 1248 n.

operation by cable, 1249 n.

distinction between horse railways and steam railways, 1248.

steam as a motive power, 1249 n.

interurban street railways, 1258.

elevated railways, New York legislation and its construction, 1259-1263.

(See ABUTTER.)

additional servitudes; rule in Illinois, 1253.

rule in Missouri, 1254.

rule in New York, 1255.

construction of signal towers in street, 1249 n.

railroad for transporting granite from quarry, 1249 n.

when construction of, constitutes a taking of abutter's easement, 1680 n.

if track is so laid as to prevent vehicles from standing in street, 1248 n., 1264 n.

**V. RIGHTS AND LIABILITIES OF COMPANY,**

rights and liability of company, 1240.

liability of company for negligence, 1240 n.

preferential right of cars to passage on track, 1240 n., 1280.

covenant to keep street within tracks in repair, effect, 1240.

obligation to restore street; paving and repaving, 1276.

right to cut and trim trees, 721 n.

control of company limited to street included within its tracks, 1232 n.

right of gas company to disturb tracks to repair pipe, 1237 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## STREET RAILWAYS — *continued*.

### V. RIGHTS AND LIABILITIES OF COMPANY — *continued*.

liability of company where contractors stipulated to keep street in repair, 829 n.

constant and exclusive use of part of street, effect, 1189 n.

improper construction of track, 1240.

railway may become a nuisance in a street; indictment, 1168 n.

validity of statute requiring notice of claim before suit against company for defective street, 1613 n.

### VI. MUNICIPAL CONTROL; POLICE POWER,

legislative regulation of rates, 1324-1337. (See PUBLIC UTILITIES.)

police power over railway companies occupying streets, 593 n., 1247 n., 1232, 1239, 1280.

air-brakes, fenders and conductors on street cars, 717.

use of snow-ploughs regulated by ordinance, 1232 n.

may be required to keep tracks watered, 1240.

mode of propelling cars, use of steam power, rate of speed, 1272.

permits to open streets, 1273.

removal of overhead wires, 1274.

rental charges; charges for inspection and supervision, 1275.

ordinances making superintendent of company personally responsible, 592 n.

### VII. DURATION OF FRANCHISE,

rights in perpetuity, 91 n., 112, 1265.

term limited by life of public easement in street, 1266.

by life of municipality, 1267.

by corporate life of grantee, 1268.

### VIII. TAXATION AND ASSESSMENT,

local assessments upon and taxation of, 1240 n., 1444 n.

taxation of street railway company, 1392.

of "special franchises" in New York, 1392 n.

license taxes on cars, 663 n., 1392.

special assessments against railways in streets, 1439 n., 1452.

### IX. UNAUTHORIZED CONSTRUCTION; REMEDIES,

if constructed without lawful authority are nuisances, 1131 n.

unauthorized use of street by railroad, remedies, 1233, 1244, 1251 n. (See INJUNCTION.)

unauthorized carriage of freight, 1244 n.

city not liable in damages for unauthorized grant to lay down tracks and operate road, 1246.

## STREETS. (See DEDICATION; EMINENT DOMAIN; HIGHWAYS; SIDEWALKS; STREET FRANCHISES; STREET RAILWAYS.)

### I. LEGISLATIVE CONTROL,

prefatory, 1120.

defined, 1121.

construction of term "streets" in statutes, 1121.

streets and alleys distinguished, 1121 n.

"street" includes sidewalks and gutters, 1447 n. (See SIDEWALK.)

not included in prohibition of special laws relating to highways, 174, 1121 n.

laying out, opening, grading, and paving a municipal affair, 165.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**I. LEGISLATIVE CONTROL — *continued*.**

- nature and uses of streets, 1076, 1149, 1163, 1165, 1168, 1171.
- public nature of, 1122, 1123, 1163.
- true nature of a public street, 1123.
- legislative power over streets, 1128.
- extent of legislative control, 1122-1129.
- paramount control of legislature, 1161, 1163.
- control of ordinary highways within municipal limits, 1138-1141.
- delegation of legislative power to municipality, 244, 1129.
- municipality cannot abrogate control over, 1142 n., 1161 n.
- under freeholders' charters, 63 n.
- control may be vested in park commissioners, 1122 n.
- legislative power to establish toll gate in, 1128 n., 1129 n.
- control over turnpike roads and plank roads in streets, 1141 n., 1264 n.
- general law and special charter provisions construed, 1140, 1141.

**II. LAYING OUT, OPENING AND WIDENING,**

- "opening" street defined, 1042 n.
- power of legislature to compel city to lay out and improve, 1431 n.
- establishment by prescription, 1080 n.
- statutes declaring user sufficient to create, 1080.
- legislative authority to extend over navigable waters, 1142 n.
- validation of unauthorized order establishing street, 1145 n. (See CURATIVE ACTS.)
- power to open and establish, 243, 1142.
  - construed, 1047 n., 1161 n., 1527 n.
  - under freeholders' charter, 63 n.
- power is continuing and discretionary, 1151.
- power to lay out within limits of public square, 1097.
  - in public parks, 1097 n.
  - over lands of state, 1033 n.
  - over lands of United States, 1033 n.
  - through cemetery, 682 n., 1019 n., 1039 n.
  - across railways, 1020, 1161 n. (See RAILROADS )
  - through railroad depot grounds, 1020.
  - longitudinally over railroad right of way, 1020.
- power to extend street construed, 1142 n.
- extension across railroad; measure of compensation, 1021.
- judicial review, when opened across railroad, 1142 n.
- power to make surveys, 1161 n.
  - to revoke ordinances establishing new streets, 1044 n.
  - to determine width, 1161 n.
- width of street by user, etc., 1082, 1161 n., 1187 n.
- statutory requirement that buildings recede from old to new building line, 1029.
- grant of land beyond corporation for street, 980.
- grants of lands upon condition subsequent, 979.
  - breach of condition subsequent, 979 n.
- mines and deposits of coal in, 1072 n., 1076 n., 1135 n., 1149 n., 1154.
- acquiring streets by dedication, 1070 *et seq.* (See DEDICATION.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**II. LAYING OUT, OPENING AND WIDENING — *continued*.**

- dedication for street purposes by United States, 1033 n.
- limited dedication for street only, 1072 n.
- vesting of title under statutory dedication, 1071.
- title to minerals under dedicated lands, 1072, 1076 n.
- dedicated streets terminating on navigable waters, 1077 n.
- widening by dedication of strip of land adjoining, 1082.
- partial acceptance of dedicated lands, 1088.
- validity of reservation of use for public utility purposes, 1075 n.
- power to condemn lands for, 1031, 1035, 1038, 1039 n. (See **EMINENT DOMAIN**.)
- streets are a public use, 1031.
- mapping or platting, as a taking of land, 1029.
- individual contributions to expense, 792, 1032.
- payment of compensation for lands taken, 1050, 1051 n.
- compensation to city for city lands taken for opening, 1022 n.
  - for extending across railroad track, 1020.
- appropriation to street uses of lands subject to private easements, 1143.
- right of lateral support by abutting lands, 1153, 1679.
  - of abutter to lateral support of soil of street, 1153, 1679.
  - of city to use or dispose of soil, 1123 n., 1149, 1154, 1676, 1689.
- city acquires no rights until compensation made to owner, 1651 n.
- agreement to issue city bonds in payment, 791 n.
- establishment of ferry at end of dedicated streets, 275 n. (See **FERRIES**.)
- wharves at end of streets, 261 n., 262 n., 264 n., 268 n., 271, 1077 n. (See **WHARVES**.)
- rights of riparian proprietors in New York City in respect to, 1079 n.
- mandamus* to compel city to open, 1486 n., 1527 n.
- certiorari* to review proceedings to open, 1592.
- injunction against illegal opening of, 1047 n., 1571 n.
- liability for unauthorized opening of street, 1650.
- liability for trespass of officers in opening, 1651.

**III. ESTABLISHING AND CHANGING GRADE,**

- meaning of "grading" as applied to streets, 1676 n.
- power is continuing and discretionary, 242, 1145 n., 1151.
- when grade need not be previously fixed by council, 1484 n.
- grade may be established without an ordinance, 1677 n.
  - without formal action, 1677 n.
- validating unauthorized order establishing grade, 1145 n.
- power to grade though building of wharf will incidentally result, 271 n.
- power to grade does not authorize obstruction of street by approaches to bridge, 1677.
- courts will not inquire whether grade adopted is best one, 1679 n.
- wantonness, oppression, or malice in exercising power, 1679 n.
- proof of action of council establishing grade, 1151, 1152 n., 1686 n.
- what acts amount to change, 1151, 1152 n.
- where grade is changed after officially established 1685.
- change from natural surface as a change of grade, 1686 n.
- change of grade for other than street purposes, 1686.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-939;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **STREETS — *continued*.**

## **III. ESTABLISHING AND CHANGING GRADE — *continued*.**

- change of grade of intersecting street a necessary consequence, 1677 n.
- elevated viaducts, bridge approaches, 1678.
- liability for damages resulting from change of grade, 1152, 1676-1678.
- municipality not liable for consequential damages, 1151, 1152, 1676 *et seq.*
  - exception to rule in Ohio, 1264 n., 1677 n.
- legislature may give right to damages for, 1151, 1152.
- effect of repeal of statute on right to damages, 1676 n.
- decision of U. S. Supreme Court as to compensation for consequential injuries, 1683.
- liability for grades and changes of grades under constitutional provisions, 1677 n., 1684-1686.
- consequential damages not a "taking" of property; special remedy, 1680-1683.
- term "injuriously affected" construed, 1018 n., 1679 n.
- consequential damages; construction of tunnel approach in street, 1683.
  - construction of elevated viaducts, bridge approaches, 1678.
- no liability for indirect injury to trade, 1680 n., 1711 n.
- when right of action for compensation arises, 1151, 1152 n., 1677 n., 1686 n.
- petitioner for change estopped to claim damages, 1151, 1152 n., 1677 n.
- built above grade of adjoining land, damages for support, 1025 n.
- damages where street is raised to allow railroad to pass under it, 1233 n.
- municipal power to enlarge liability for damages by ordinances, 1677 n.
- where grade is changed after damages awarded for widening, 1677 n.
- measure of damages, 1677 n., 1686 n.
- board of public works liable for damages, when, 1655 n.
- special remedy exclusive, 1681.
- remedy of abutter by injunction, 1671 n., 1682, 1686 n.
- overflow of surface water caused by grading, 1675 n., 1676 n., 1677 n., 1680 n., 1731-1735.
- liability for depositing earth adjoining lot, 1677 n.
- liability where changed otherwise than as authorized by law, 1677 n.
- remedy for injury done by regrading, 1677 n.
- negligence or want of skill of contractor must be proved, 1677 n.
- mandamus* to compel railroad company to grade street at crossing, 1676, 1677 and notes.

liability for trespass of officers, 1651.

## **IV. GRADING, PAVING AND IMPROVING,**

- meaning of "grading" as applied to streets, 1676 n.
- "paving" includes "flagging," 1447 n.
- what is an original paving, 1441, 1447.
- power to make improvements, 243.
- legislature may provide for improvement through commissioners, 101 n.
- power to improve streets construed, 1448-1450.
  - to improve and pave, 1144.
  - to improve and graduate, 1145.
- part of street to be improved, 1448.
- power is continuing and discretionary, 242, 1145, 1151, 1447.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**IV. GRADING, PAVING AND IMPROVING — *continued*.**

governing body judge of necessity, 1151, 1152.

power to pave streets, 1145, 1146.

"pavement" defined, 1146.

paving street crossings and intersections, 796.

what paving and grading include, 1144-1147.

power to pave includes power to grade, 1144.

to repave, mode of payment, 1447.

to regulate and improve sidewalks, 1378 n.

to compel building of sidewalks, 1147.

construction of drains and sewers, 268 n., 1148, 1154, 1458-1463. (See  
SEWERS AND DRAINS.)

shade-trees may be removed, 721, 1151, 1152 n., 1677 n.

lot-owner entitled to damages for destruction of shade trees, 721, 1677 n.

right of city to dispose of surplus soil, gravel, etc., 1123 n., 1149, 1154, 1676,  
1689.

to use surplus soil or gravel elsewhere, 1123 n., 1149.

right to lateral support for street by abutting soil, 1153, 1679.

of abutting property to lateral support of street, 1153, 1679.

when improvement may be authorized by resolution, 1402 n.

power to purchase paving materials, 819.

municipality may incur debt for paving materials, 819.

power of city to manufacture paving bricks, 1292 n.

to operate quarry for paving stone, 980 n., 1292 n.

lot-owner has no right to raise or lower sidewalk or street, 1132 n.

contracts for local improvements, 785, 825-829, 1402 n., 1449, 1454, 1465.

for grading, 771 n.

ratification by legislature of *ultra vires* contract, 127 n. (See CURATIVE  
ACTS.)

city may contract for breakwater to protect, 771 n.

stipulations by contractor to maintain pavements in repair, 829.

contract with corporation officer to keep streets in repair, 772 n.

assignment of contracts for work on, 832 n.

who defray expense of improving, 792 n.

implied liability for cost of improvements, 793.

petitions for improvement, signatures, 1454 n.

• assessment for grading and improving under power to open, 1042.

payment of portion of expense by individuals, 792, 1032.

release of abutters from assessment by change of grade after contract made,  
820.

contract with railroad company to pave and maintain precludes assess-  
ment of abutters, 1144 n.

obligation of railroad company to restore street; paving and repaving,  
1240 n., 1276.

franchise to use streets subject to paramount duty to maintain and improve  
streets, 1271.

overflow of surface water caused by grading, 1675 n., 1676 n., 1677 n.,  
1680 n., 1731-1735. (See SURFACE WATER.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**IV. GRADING, PAVING AND IMPROVING** — *continued*.

remedy of abutter in equity, 1571 n.

injunction held not to lie to restrain work of grading, 1676 n.

**V. PUBLIC AND AUTHORIZED STREET USES,**

paramount legislative control over, 1161, 1163.

municipal control over uses, 1154, 1161.

extent of public right in street when fee in abutter, 1211.

sidewalk, power over, etc., 1161 n. (See **SIDEWALKS**.)

use of streets bordering on navigable waters, 271. (See **RIPARIAN RIGHTS**.)

power to erect public buildings in, 684 n., 1175.

market house cannot be constructed in, 702.

shade trees in streets, 721.

penalty for mutilation of trees, 721, 1076 n. (See **TREES**.)

parkways, bicycle paths, 1150.

power to construct lavatories beneath surface, 1072 n.

removing buildings, 715, 1168 n.

interference with electric wires in moving buildings on streets, 1220 n.

public displays, shows, exhibitions, etc., 1174.

race contests by automobiles in, 1174 n.

construction of subway for local railroad travel, 1155.

bridge approaches and elevated viaducts, 1159.

construction of sewers and drains, 268 n., 1148, 1154, 1458-1463.

of private sewers in, 1176.

of water pipes and mains in, 1212.

power of another municipality to use highways for water mains, 1299 n.

reservoir or water tank cannot be constructed in, 1212.

cisterns in streets for public use, 1156.

water tank an unlawful use, 1156 n.

standpipe an unlawful use, 1156 n.

construction of private water pipes in, 1176, 1297 n.

devise for erection of drinking fountain, 981 n.

gas-pipes in streets and highways, 1214-1219. (See **GAS AND GAS COMPANIES**.)

use of, for supplying light to private persons, 1213.

lighting plant cannot be constructed in street limits, 1297 n.

cannot be used for laying pipes to distribute ammonia for refrigerating, 1300 n.

city may contract for lighting, 771 n.

legislature may authorize use of, by utility corporation without consent of city, 115.

legislative grant of easement is a grant of corporate power, 73 n.

legislative authority to build tunnel under, 1129 n.

railways in streets, municipal and legislative power, 115, 1222-1263. (See **RAILROADS**.)

railroad spurs or sidings to private premises, 1176.

power to construct telegraph and telephone lines in, 1220, 1221, 1686 n.  
(See **TELEGRAPH AND TELEPHONE COMPANIES**.)

rental charges for telegraph poles in, 665 n.

how far city can authorize irrevocable public use by others, 1129.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**V. PUBLIC AND AUTHORIZED STREET USES** — *continued*.

- appropriation to private uses, 1131 n., 1161, 1176.
- private bridges across, connecting opposite buildings, 1176.
- additional servitudes; bridge approaches and elevated viaducts, 1159.
  - sewers, 1148.
  - water pipes and mains, 1212.
  - public lighting, 1213.
  - cisterns for public uses, 1156.
  - telegraph and telephone lines, 1221.
  - railroads, steam, street and elevated, 1248-1263. (See RAILROADS.)
  - subways for railroads in streets, 1155.
- quo warranto* to try validity of franchise to use streets, 1552 n.
- unauthorized use of, remedy, 1130, 1131 n., 1132 n., 1133 n., 1233, 1244, 1247 n. 1251 n.
- right of city to enjoin natural-gas company from using streets, 1573 n.
- injunction at suit of city against maintaining electric light poles, etc., 1130 n.

**VI. TRAFFIC AND TRAVEL; REGULATION THEREOF,**

- meaning of "travel," "traveller," and "travelling," 1691 n.
- legislative powers over right or privilege to use streets, 1164.
- tax on vehicles for privilege of using streets, 1164.
- validity of "wheel tax," 1164 n.
- delegation of power to municipality, 1129.
- municipal power over uses of streets, 239 n., 271, 1149, 1150, 1154.
- uses of alleys as distinguished from streets, 1163 n.
- right of public for purposes of travel and transportation, 1211.
- open to all suitable and proper uses, 1165.
- exclusion of business traffic from certain streets, 1166.
- limitations and restrictions on right of free transit and use, 1168-1185.
- regulating use of, 665 n., 712.
- police power over, to secure safety, 712-714.
- ordinances imposing fines for injuries to streets, 1162.
- prohibiting throwing of heavy articles from buildings, 727.
- relative rights of pedestrians and vehicles, 1163 n.
- use of, by steam threshing machines, 1165.
- regulation of traffic, 1139 n., 1166.
- regulating speed of travel, 712, 1166, 1272 n.
- licensing vehicles, 1166.
- bicycles on sidewalks, 712 n., 1627 n.
- roller skating for sport may be regulated, 1166 n.
- exclusion of advertising trucks, 1166 n.
- horse racing in streets, 1627 n., 1691 n., 1703 n.
- unhitched and unattended horses, 1166 n.
- regulation of automobiles, 714.
- speed limits for automobiles, 714.
- automobile speed contest in, 714.
- regulation of loads and tires, 1166.
- hack stands, 1167.
- coasting on public streets, 684 n., 1626 n., 1628 n., 1665 n., 1703 n.
- regulating use of streets for removal of garbage, etc., 678.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**VI. TRAFFIC AND TRAVEL; REGULATION THEREOF** — *continued*.

- ordinances prohibiting or regulating parades, 598 n.
- preventing disorderly conduct in, 712 n.
- prohibiting parades, singing, speech-making, etc., 598 n.
  - distribution of handbills, 712 n.
  - exhibition of stud-horse in street, 685.
- use of streets for removing buildings, 715, 1168 n., 1220 n.
- regulation of operation of railroad, 717.

**VII. ABUTTERS' EASEMENTS,**

- respective rights of abutter and public, 1123. (See ABUTTER.)
- nature and extent of public rights in city streets, 1155.
- doctrine of abutter's easements, 1245.
- nature of abutter's rights in, 1126.
- abutter's rights in the street are property rights, 1016, 1123, 1124, 1134 n., 1168, 1261.
- how far protected by Fourteenth Amendment, 1127.
- result of New York cases stated, 1124.
- effect of later New York decisions, 1125.
- incorporeal rights inseparable from abutting lots, 1125.
- abandonment or extinguishment of abutter's easements, 1125.
- destruction of abutter's easements by adverse possession under statutory authority, 1125.
- conveyances reserving right to compensation for destruction of easements in streets, 1125.
- effect of fee being in abutter or municipality, 1136, 1149 n. (See ABUTTER.)
- rights of adjacent owners, usage, 1183.
- abutter's right of view or prospect, 1184 n.
- right of abutter to connect with drains and sewers, 1162.
- abutter's right to damages for obstruction, 1131.
- loss of business by reason of neglect of city to repair, 1168 n.
- title to fee of street under sale according to plat, 1084.
- interest of purchaser in all the streets shown on plat, 1084.
- removal of snow and ice by abutter, 1447 n.
- remedy of abutters and others, 1131, 1132, 1134, 1135, 1527 n. (See ABUTTER.)
- liability of city for damages caused to abutter by railroad, etc., in street, 1246.

**VIII. TEMPORARY AND JUSTIFIABLE OBSTRUCTIONS,**

- temporary obstructions to use are justifiable, 1168.
- necessary and temporary obstructions to use of street, 1168.
- city may close street to allow abutter to make improvements, 1172.
- temporary closing for repairs, 1163 n.
- public improvements in city streets, 1170.
- obstructions for receiving and delivering goods, 1168, 1169.
- temporary obstruction by deposit of building materials, 1168-1173.

**IX. ENCROACHMENTS; OBSTRUCTIONS; NUISANCES,**

- power of legislature to authorize, 1128.
- statutes authorizing obstructions are strictly construed, 1128.
- delegated power of municipality to authorize obstructions, 1129.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**IX. ENCROACHMENTS; OBSTRUCTIONS; NUISANCES** — *continued*.

- power to restrict trades and occupations in buildings on, 695.
- establishing building line on private property on boulevards, etc., 695.
- regulation of the height of buildings, 696.
- regulation of signs and billboards, 697.
- prohibition of market stands in, 706.
- prohibiting gate swinging outwardly, 712 n.
- obstructions; fruit, candy and market stands, 1177.
- openings in sidewalks, 1178, 1179.
- vaults under sidewalks, 1178, 1179, 1180.
  - city may impose conditions, 1154 n., 1156 n., 1408 n.
- right of owner of fee to construct vault, 1179 n., 1180 n.
- areas and cellarways, 1180.
- grant of right to construct areaway, 1180 n.
- revocation of permit for areas, vaults, etc., 1180.
- stepping stones, hitching posts, shade trees, etc., 1181.
- cornices and ornamental projections, 1182.
- doors, shutters, iron gratings, etc., of abutting buildings, 1183.
- stairs to abutting buildings, 1131.
- porches and bay windows in or over streets, 301 n., 1131, 1182, 1184, 1185.
- right of abutter to construct and maintain awnings, 1186.
- public speaking, 1168 n.
- picketing premises during strike as obstruction, 1166 n.
- "cumbering" of streets held to refer to impediments to travel, 1161 n.
- occupation of street in front of another's house for business purposes, 1133 n., 1168 n.
- liability of author of obstruction, 1131.
- what are nuisances on streets, enumeration, 1131 n., 1161 n., 1168 n. (See NUISANCES.)
- building a house on street is a nuisance, 1244 n.
- market-houses erected in public street are nuisances, 684 n., 702 n.
- city may prohibit market stands in streets, 706.
- coasting on public street not necessarily a nuisance, 684 n.
- liability of city for authorizing nuisance upon, 1630 n.
  - for extending bounds so as to bring nuisance within street limit, 1645 n.
- power to remove obstructions, 1161 n.
  - without institution of judicial proceedings, 1130 n.
- penalties for failure to remove encroachments, 612.
- in proceedings to impose penalty for obstructing street, title to land not triable, 758.
- liability for removal of property not an encroachment, 1651 n.
- remedy of municipality in ejectment, 1133-1137.
- qualified right of municipalities under Canadian Municipal Acts, 1133 n.
- effect of judgment in ejectment against municipality on public rights, 1137.
- remedy of public for encroachments and obstructions; indictment; equity, 1080 n., 1082 n., 1087 n., 1130, 1131 n., 1133, 1527 n., 1598 n.
- right of citizen to *mandamus* to remove obstruction, 1130.
- mandamus* to compel city to remove obstructions, 1493 n., 1527 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**IX. ENCROACHMENTS; OBSTRUCTIONS; NUISANCES — *continued*.**

- remedy in equity at instance of abutters, 1132, 1134.
- remedy of abutter in ejectment, 1134, 1135.
- action in trespass for unlawful occupation of street, 1134 n.
- what adjoining owner must show to maintain action for damages, 1131 n.  
(See ABUTTER.)
- railroad company indictable for erecting and continuing building in, 1130 n.  
(See INDICTMENT.)
- proper judgment in case of indictment and conviction, 1130 n.
- prescription and adverse possession; statute of limitations, 1187-1194.
- rights in, cannot be acquired by prescription or adverse possession, 1187-1194.
- statutory provisions affecting adverse possession of highways, 1193.
- civil law doctrine as to title by adverse possession, 1190.
- estoppel in pais as defence to action to remove encroachment, 1187-1194.
- inquiry as to rightfulness of use by gas company not barred by long user, 1188 n.

**X. BRIDGES,**

- power to construct free bridges over streams, 1158.
- duty to repair; municipal control, 1157.
- rights and liabilities with respect to bridges in, 1157, 1158. (See BRIDGES.)
- city held liable for erection of bridge by bridge company, 1686 n.

**XI. VACATING STREETS,**

- power to vacate, 1102 n., 1103 n., 1160, 1683 n., 1686 n.
- authority to discharge the public servitude must come from legislature, 1160 n.
- street may be closed and abutter deprived of easement of access, etc., 1160 n.
- power to vacate does not confer power to narrow, 1160 n.
- abandonment will not be presumed from mere non-user, 1160 n., 1190 n.
- right of abutter to compensation, 1160.
- reverter of fee of street on, 1023 n., 1106 n., 1160.
- power to sell lands in vacated street, 991, 1160 n.
- remedy of abutter in equity, 1160, 1571 n.
- bill to enjoin vacation of street must show what, 1160 n.

**XII. TAXATION AND ASSESSMENT. (See SPECIAL ASSESSMENTS.)**

- road taxes and compulsory street labor, 1140, 1407.
- special assessments for, 1430-1469.
  - according to frontage, 1436-1439.
  - against abutters for benefits received from opening, 1052, 1053.
  - for paving, 1441.
  - for repaving, 1441, 1447.
  - for repairs to streets, 1447.
  - for sweeping and cleaning, 1447 n.
  - for sprinkling street, 1447.
  - upon property of railway company, 1451, 1452.
- prescribed mode must be pursued, 1402 n.
- assent of abutters or petition when necessary, 1454.
- notice of proceedings for assessment of benefits, 1457.
- pavement laid at expense of abutter, future assessments, 791 n.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — continued.**

**XIII. LIABILITY FOR TORTS; UNSAFE STREETS,**

**1. *Basis of Liability; Implied Liability.***

- liability in respect of unsafe streets, 1157, 1599, 1665, 1687.
- distinction between municipal and *quasi* corporations, 1687 *et seq.* (See COUNTY; QUASI CORPORATIONS.)
- liability of *quasi* corporations, 1688.
- liability of cities and chartered municipal corporations, 1689.
- comments on doctrine as respects different classes of corporations, 1716.
- common-law liability for defective streets, 1639, 1688.
- liability in England and Canada, 1687 n.
- Canada statutes and decisions, 1688 n.
- doctrine of American courts in respect to municipal corporations proper, 1689.
- grounds of liability; cases classified, 1690.
- liability of New England towns and cities, 1691.
- rule in other States, 1691.
- statutory liability of New England cities for negligence, 1641.
- substance of statutes of New England States, 1691 n.
- construction of New England statute, 1692.
- how far New England decisions are generally applicable, 1693.
- measure of duty under New England statutes, 1694.
- negligence as basis of liability, 1706, 1711.
- duty to keep the particular place in safe condition must exist, 1708.
- defect must be proximate cause of injury, 1698.
- result as to implied or common-law liability summed up, 1708, 1710.
- is the prevailing American doctrine as to implied liability sound? 1713, 1716.
- author's comments on the subject, 1713-1716.
- duty must be imposed upon the municipality as such, 1708.
- wilful neglect not essential, 1708 n.
- basis of municipal liability, 1709.
- author's comments on doctrine of implied liability, 1710.
- want of funds as an excuse for neglect, 1710 n.
- negligence as ground of liability, 1706, 1711.
- onus* of proving negligence, 1702 n., 1712 n.
- extent of the liability, 1711.
- corporation not an insurer against accidents, 1711.
- liability for act of agent or servant, 1727 n.
- grounds of action for injuries, 1712.
- actionable defects under New England statutes, 1695.
- liability based on plan of street creating unsafe conditions, 1707 n.
- when estopped to claim that a road is not a legal highway, 1700.
- user of land as street as affecting liability of city, 1700.
- liability when street not improved or graded, 1707 n.
- where defects are outside the travelled way, 1699, 1702.
- liability for diversion of travel from ferry, 1711 n.
  - of city to firemen injured by defective street, 1711 n.
  - for defective bridges, 1688 n.
  - for defective sidewalks, 1700 n.
  - for diversion of surface water in grading and improving, 1732, 1733.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**XIII. LIABILITY FOR TORTS: UNSAFE STREETS** — *continued*.

liability for omission to provide drains to carry off surface waters, 1734.

for purposely diverting surface water on abutting property, 1734, 1736.

for collecting water in pools in grading streets, 1737.

where plan proved defective, 1739-1745.

2. *Obligation to keep in Repair.*

only reasonable diligence to repair street after notice required, 1718.

duty to keep in repair is a continuing one, 1676 n.

obligation of municipality to repair after acceptance of dedication, 1087.

when city estopped to deny that road is highway, 1700.

bridge is a part of a street, 1688 n.

width to be kept in repair, 1699, 1702, 1707.

duty to keep roads and streets in repair extends to sidewalks, 1699.

to repair sidewalk implied from user, 1700 n.

as respects crossings, 1704 n.

to remove obstructions to travelled path, 1694 n.

to keep streets in repair cannot be evaded or surrendered, 1720.

giving notice to abutter to repair does not relieve from liability, 1704 n.

duty to provide railings or barriers when necessary, 1696.

city under no obligation to light streets, 1701.

effect of negligence in lighting on liability for damages, 1701.

not liable for failure to guard approaches from private property, 1699 n.

city not bound to provide hitching posts, 1696 n.

walk crossing an alley is a "crosswalk," 1704 n.

obligation to rebuild road destroyed by encroachment of sea, 1719 n.

"travellers," "travel," have no technical legal significance, 1681 n.

question of condition of street is for jury, 1707.

*mandamus* to repair streets, 1493.

indictment for neglect of duty to repair, 1599.

individual liability of officers for failure to repair, 438.

3. *Knowledge or Notice of Defect.*

notice of defect to corporation, when essential, 1708 n., 1712, 1717-1719, 1727.

prior written notice of defect as a statutory prerequisite to liability, 1709.

where city is directly in fault, 1717.

conflicting cases as to what is notice, 1719 n., 1722 n.

admissibility of declarations of officers to establish knowledge or notice of defect, 435 n.

proof of like accidents in same place, 1718 n.

no presumption of law as to notice, 1719 n.

burden to prove knowledge of defect on part of officers, 1718 n.

what is sufficient to imply notice, 1719 n.

doctrine as to notice summarized, 1719.

when such questions are for the jury, 1719.

4. *Specific Defects and Causes of Injury.*

liability extends to travelling across as well as passing along sidewalk, 1697 n.

injuries received outside travelled way, 1699 n.

effect of negligence in lighting streets on liability for damages, 1701.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS** — *continued*.

**XIII. LIABILITY FOR TORTS; UNSAFE STREETS** — *continued*.

- permit granted to deposit building material in street, 1717 n.
- defects arising from necessary repair of highway, 1718 n.
- obstruction in repairing street, duty to give warning, 1717 n.
- lamp lighter in employ of contractor; right to recover for injuries, 1701.
- liability where street is used for purposes other than travel, 1691 n., 1710 n.
  - for defects in dedicated streets, 1087.
  - where corporation is bound to let contract to lowest bidder, 1720 n.
- no corporate liability for unsafe private way used by public, 1727 n.
- where travel is diverted from ferry outside of city, 1711 n.
- where street is raised rendering height of railroad bridge insufficient, 1717 n.
- where city voluntarily assumes duty to build sidewalk, etc., 1710 n.
- illustrations of what constitutes non-repair, or actionable defects, 1694 n.
- particular defects or obstructions, enumeration, 1702 n.
- area-cover which existed at time of dedication, 1727 n.
- awnings and falling substances, 1705. (See **AWNINGS**.)
- barriers or railings, failure to provide, 1696.
- bicycle riding on sidewalk, 1627 n.
- blasting, 1650 n., 1722 n., 1723 n.
- defective bridges and causeways, 1157, 1717 n.
- cattle running at large, 1627.
- coasting in streets, 684 n., 1626 n., 1628 n., 1665 n., 1703 n.
- cover of glass and iron made smooth by wear, 1704 n.
- dangerous holes in or near travelled way, 1717 n.
- discharge of cannon in streets, 1627 n., 1636 n.
- discharge of fireworks, 1703.
- excavations in or near travelled way, 1717 n.
- exhibitions and displays, 1703.
- failure to guard approaches from private property, 1699 n.
- fallen electric wires, 1670.
- falling substances, 1705.
- fall of dead branches, 1705 n.
  - of liberty pole, 1705 n.
  - of unsafe wall, 1627 n., 1705 n.
- frightening animals; defects causing fright, 1698 n., 1702.
  - where defects are outside the travelled way, 1702.
  - by blast of waterworks whistle, 1670 n.
  - city not bound to provide hitching post, 1696 n.
- grading in sidewalk, 1671 n.
- horse-racing; liability for permitting, 1627 n., 1703 n.
  - liability to person injured while racing, 1691 n.
  - not bound to keep streets in condition for, 1706.
- ice and snow in street; slippery sidewalks, 1697.
- iron gas box in sidewalk, 1698 n.
- lack of railings or barriers, 1696.
- lack of barriers; injuries to runaway horse, 1698 n.
- latent defects, 1699 n.
- licensed exhibitions and displays in public streets, 1703.
- permitting wagons to stand in, at night, 1630 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**XIII. LIABILITY FOR TORTS; UNSAFE STREETS — *continued*.**

defective sidewalks, 1704, 1714.

snow and ice in streets, 1697. (See SNOW AND ICE.)

stream of water from hydrant, 1667.

street cleaning; removal of ashes and garbage, 1662.

tank causing overflow of water, 1730 n.

telegraph poles, liability of town, 1730 n.

**5. *Acts of Abutters, Contractors, and others.***

corporate liability for the acts of contractors and others, 1720-1724.

liability for acts of contractor where work is not necessarily dangerous, 1722, 1723.

where work is necessarily dangerous, 1722.

for act necessarily constituting an obstruction or defect, 1723, 1724.

when city bound to let contract to lowest bidder, 1720 n.

negligent or wrongful acts of abutting owners and others, 1725.

notice to abutter to repair does not relieve city from liability, 1704 n.

liability of lot-owner to traveller and municipality, 1704.

cellar-way constructed in sidewalk, liability of city, 1726 n.

liability for defect in sidewalk built by private person, 1704 n.

for excavations made by abutter, 1720.

of abutter for unsafe coverings to vaults, etc., 1726.

dangerous and unguarded excavations near sidewalk or street, 1727 n.

where it is duty of city and owner to keep sidewalk in repair, 1725 n.

abutter liable for injuries from insecure coverings over excavations in sidewalk, 1726.

where ordinance requires abutter to clear sidewalks of ice and snow, 1704 n.

1736 n. (See ABUTTER; SNOW AND ICE.)

as between owner and tenant, 1727 n.

owner not liable for defects occasioned by natural causes, 1726 n.

where excavations are made by adjoining lot-owner for area, etc., 1720.

liability of owner and tenant for safety of awning, 1705 n.

of owner or occupant to person slipping on walk, 1697.

for defect caused by acts of railroad company, 1730.

*mandamus* to railroad company to make street safe at crossings, 1730 n.

(See RAILROADS.)

remedy over against author of defect, 1720, 1727-1730.

where injured party elects to proceed against the corporation; notice, 1727.

extent of recovery over against author of nuisance, 1725 n.

failure in action against municipality no bar to action against author of defect, 1727.

when person ultimately liable not chargeable with costs on appeal, 1728 n.

effect of record in former action, 1728 n.

**6. *Contributory Negligence of Injured Person.***

doctrine as to contributory negligence summarized, 1719.

prudence and care on part of traveller requisite, 1698.

party injured must be free from contributory negligence, 1697, 1698, 1712, 1719.

general rule in regard to, 1698.

degree of care required of plaintiff, 1712.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**STREETS — *continued*.**

**XIII. LIABILITY FOR TORTS; UNSAFE STREETS — *continued*.**

- negligence of traveller, when it prevents a recovery, 1699.
- what is ordinary care in such cases, 1712 n.
- right to go *extra viam*, 1699.
- injuries received outside travelled highway, 1699, 1700 n.
- right of foot-travellers to travel along and across street, 1704 n.
- foot-travellers upon slippery sidewalks must exercise special care, 1697.
- effect of intoxication of plaintiff, 1712 n.
- effect of plaintiff's violation of ordinances and Sunday laws, 1712 n.
- where street is used for purposes other than travel, 1691 n., 1710 n.
- want of care on part of driver, effect of, 1698.
- whether negligence of driver of vehicle may be imputed to person riding, 1712 n.
- knowledge of defect or obstruction on part of injured person, 1704 n., 1712 n., 1719 n.
- where traveller knew danger or was familiar with road, 1712 n., 1719 n.
- injuries to persons whose sight is impaired, 1698 n.
- degree of care required of blind and deaf persons, 1712 n., 1719 n.
- presumption on part of person with impaired vision that street is safe, 1698, 1719 n.
- whether want of ordinary care for blind to travel unattended, 1712 n.
- burden of proof on question of contributory negligence, 1712 n., 1719.
- province of jury, 1719.

**7. *Measure of Damages.***

- actual damages only can in general be recovered, 1712.
- liability for exemplary damages, 1712 n.
- rules to measure compensation to person injured, 1712 n.
- measure of damages, what jury may consider, 1712 n.

**STREET VENDING,**

- ordinances prohibiting or regulating, 598 n.

**STRIKES,**

- picketing premises as obstruction to streets, 1166 n.

**SUB-CONTRACTORS,**

- who are, 830 n.
- statutory lien on contract price, 831.
- suits on bonds of contractors, 830.

**SUBROGATION,**

- of holder of void warrants to debt, 862.

**SUCCESSION TAX,**

- validity of, 1371 n.

**SUICIDE,**

- as affecting right to pension, 432 n.

**SUITS. (See ACTION; EQUITY; PLEADING; PRACTICE; REMEDY.)**

- on coupons, 894.
- power to sue, 396 n., 771, 821 n.
- on warrants or orders, 854-857.
- for damages awarded in condemnation proceedings, 1050.
- corporate name in suits, 346, 351.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SUITS — *continued*.**

brought without authority, 824 n.  
authority to compromise is ratification of authority to commence, 797 n.  
employment of counsel in suit against officers, 824 n.

**SUMMARY COLLECTION,**

of taxes and assessments, 1413-1419.

**SUMMARY CONVICTION. (See CONVICTION; JURY; MUNICIPAL COURTS.)**

validity of, 637, 749, 750. (See OFFENCES.)

review of, on *certiorari*, 1592, 1593.

**SUMMARY PROCEEDING,**

to remove nuisances, 684.

in local courts, 745, 749 *et seq.*

**SUNDAY,**

Sabbath observance ordinances, 719.

constitutionality of Sunday laws, 719.

prohibiting liquor sales on, 669 n., 674, 719 n.

closing saloons on, 665 n.

publication of ordinance on, 605 n.

**SUPERSEDEAS BOND,**

in *mandamus* appeal, 1503 n., 1546 n.

in *quo warranto* appeal, 429 n.

appeal by city without having given, 821 n.

necessary to stay proceedings to open streets, 1590 n.

**SURETIES. (See also BONDS.)**

of officers of corporation, 394.

liability on official bond, 396 n.

not liable for defalcations during a prior term, 396 n.

how far sureties of agent or officer liable, 777 n.

rights and liabilities of, under contractor's bond, 830.

interest of surety in municipal contracts, 773 n.

**SURETYSHIP,**

contracts of, by city, 814.

guarantee by city of bonds of electric lighting company, 1296 n., 1302 n.

**SURFACE WATER. (See SEWERS AND DRAINS; STREETS.)**

distinction between natural streams and surface waters, 1731.

civil liability in respect of surface water, drains and sewers, 1731-1746.

land damaged by overflow of surface-water, held to be a "taking," 1675 n.,  
1676 n., 1677 n., 1680 n.

insufficient or defective waterways and culverts, 1731 n.

liability does not extend to extraordinary floods, 1731 n.

for overflow on private property, 1731, 1732.

for wrongfully diverting water on abutting land, 1665 n.

measure of damages for wrongfully overflowing lands, 1731 n.

no liability to abutter who constructed gutter in manner other than as  
ordinance required, 1732 n.

liability for overflow caused by grading or improving streets, 1732, 1733.

for omission to provide drain, 1734.

for acts as property owner causing overflow, 1671.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**SURFACE WATER — *continued*.**

city not bound to protect property below street level, 1734, 1736, 1738, 1745.

liability for purposely diverting water from street on abutting property,  
1734, 1736.

of city for collecting and discharging in body on private property,  
1736 n.

as between owners of higher and lower city lots, 1737 n.

for collecting water in pools in grading streets, 1737.

where passage of surface-water through ravine is obstructed in grading,  
1737 n.

liability for insufficient size or want of capacity of gutters or drains, 1739.

general propositions as to municipal liability, 1745, 1746.

liability for abstraction or diversion, 1341.

improper construction of railway track causing overflow, liability of com-  
pany, 1240, 1730 n.

**SURRENDER,**

power of municipality to surrender charter, 332.

of bonds and reissue, 883.

**SURVEYOR. (See ENGINEER.)**

**SUSPENSION OF OFFICERS,**

when power exists, 470 n.

a removal *pro tanto* within statute, 478.

when operative as removal from office, 479 n.

*mandamus* proper remedy of suspended member, 471 n.

**SWAMP LAND RECLAMATION DISTRICT,**

public corporation in California, 34 n.

**SWINE. (See ANIMALS; ORDINANCES; POLICE POWER.)**

**TANK WAGONS,**

ordinances regulating handling of combustible oils, 727 n.

**TANNERY,**

whether tannery may be declared a nuisance, 681 n., 684 n.

**TAVERN. (See INTOXICATING LIQUORS; SALOONS.)**

**TAXATION. (See also CONSTITUTIONAL LAW; SPECIAL ASSESSMENTS.)**

**I. THE POWER TO TAX,**

taxing power defined; scope and nature, 1350, 1351 *et seq.*

taxation and eminent domain distinguished, 1353.

distinction between "taxes" and "debts," 1414 n.

special assessments are valid exercise of power of taxation, 1430 n., 1431.

special assessments and taxes distinguished, 1367, 1430, 1444, 1445.

distinction between "tax" and "assessment" as used in constitutions and  
statutes, 1445.

constitutional provisions not usually applicable to special assessments,  
1433.

extent of legislative power and its limitations, 115 n., 123, 127, 128, 1351  
*et seq.*

what taxes shall be levied is for the legislature to determine, 106.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## TAXATION — *continued*.

### I. THE POWER TO TAX — *continued*.

- constitutional restrictions and limitations, 74, 1365-1374, 1386, 1445.
  - equality and uniformity, 1366-1371.
  - for "corporate purposes" by "corporate authorities"; Illinois, 1372.
  - delegation to special commission, 1374.
- exercise of delegated authority by popular representatives, 1373.
- limitation of, operating as limitation of indebtedness, 212.
- classification of persons and property under prohibition of special laws, 173.
  - under Fourteenth Amendment, 1409.
- extent of power to tax, 1387.
- retrospective taxation may be authorized, 1400, 1469.
- legislative power not dependent on consent of municipality, 123 n.
- municipal authority to levy taxes, 1375, 1376.
  - under free-holders' charter, 63 n.
- power to tax must be plainly conferred, 707, 1377-1380.
  - may be implied, 1380.
- cannot be levied under power to preserve good order, etc., 725.
- where power is granted with proviso annexed, 1379.
- powers cannot be varied by ordinance, 1384.
- charter limitations on taxing power, 235 n., 322.
- limitation on rate or amount, 322, 1379, 1403.
- general revenue laws and special charter provisions construed, 1404.
- general laws held not to limit charter power, 1405.
- charter power held to refer to general law, 1406.
- construction of power to collect special tax, 570 n.
- power to tax lands beyond city limits for city purposes, 1352 n.
- municipality cannot delegate power to tax, 1383.
- power of legislature to change revenue and taxing powers of municipality, 114, 1381, 1382.
- effect of constitutional reduction of tax limit, 113 n., 421.
- tax not invalidated by repeal of statute, when, 943 n.
- whether constitutional amendment repeals charter provision, 1372 n.
- power to release specific class of taxpayers after levy, 1382.
- levy of poll tax by municipality, 1407.
- road taxes and compulsory street labor, 1140, 1407.
- validity of succession tax, 1371 n.
- state taxes on foreign corporations, 1364.
- water rates are not taxes, 1323.
- for local improvements; Illinois, 1439.
- effect of enlargement of boundaries, 106, 355. (See BOUNDARIES.)
- right to collect taxes on division of corporation, 360 n.
- to pay debts of dissolved corporation, 336, 339. (See DISSOLUTION.)
- re-assessments, authority for, 1400, 1469 n. (See RE-ASSESSMENT.)
- where no collecting officer is designated in charter, 238 n.
- exemption of municipal revenues from seizure for debts, 248.
- quo warranto* to try right to exercise power of taxation, 1559.

### II. FEDERAL LIMITATIONS ON POWER OF STATES,

- Federal limitations on taxing power, 1354.
- instrumentalities of Federal government, 1355, 1398.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TAXATION — *continued*.**

**II. FEDERAL LIMITATIONS ON POWER OF STATES — *continued***

- bonds of U. S. government, 1355 n.
- public lands of United States, 1355 n.
- Indian lands, 1355 n.
- Pacific railroads, 1355 n.
- imports and exports, 1355.
- instrumentalities of State not taxable by Congress, 1398.
- resulting in regulation of interstate commerce, 1355-1363.
- interstate commerce; general principles, 1357.
  - discriminatory taxes, 1356.
  - hawkers and peddlers; drummers and canvassers, 1356.
  - property in transit, 1358.
  - railroad companies, 1357, 1359.
  - occupation or license tax on agents of railroad, 1359.
  - express companies, 1357, 1360.
  - sleeping car companies, 1357, 1361.
  - telegraph companies, 1357, 1362.
  - intoxicating liquors, 1363.
- validity under Fourteenth Amendment, 1409.
- due process of law; right to notice and hearing, 1365.
- passenger tax, 1355 n.
- tax on basis of tonnage not necessarily illegal, 1391 n.
- discriminating taxes against non-residents, 1355, 1356, 1369 n., 1412.

**III. LICENSE AND OCCUPATION TAXES,**

- taxing power and police power distinguished, 661-664, 1378, 1408.
- taxing and police powers of city, 1408.
- distinction between power to tax and to license, 276, 661-664, 667, 1367 n., 1369, 1378, 1408. (See LICENSES.)
- cannot be levied under power to license or regulate, 661, 665, 1408.
- license fee not a tax, 662 n., 669 n., 1367, 1369 n., 1378. (See LICENSES..)
- Fourteenth Amendment; equal protection of the laws, 1409.
- construction and applicability of constitutional provisions, 662, 1366, 1368-1370, 1410.
- classification of occupations, 1409.
- discrimination between "residents" and "non-residents," 1412.
- graduation of occupation taxes, 1410.
- delegated authority of municipality, 1412.
- construction of delegated authority, 1411.
- power to impose license tax in lieu of tax on personal property, 1410 n.
- income, professions, and occupations, 1367, 1369, 1372 n., 1408-1412.
- employments and amusements, 661. (See VEHICLES.)
- commercial travellers, drummers and canvassers, 1356.
- national banks, 1410 n.
- railroad and other public service corporations, 1411.
- saloon keepers for maintenance of police force, 104 n.
- hawkers and peddlers, 1356.
- tax on vehicles for privilege of using streets, 1164.
- license fees for vehicles using streets, 1166, 1412 n.
- exaction of occupation tax in addition to license, 1369 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TAXATION — *continued*.**

**IV. PUBLIC PURPOSES JUSTIFYING TAXATION,**

improvement of road beyond corporate limits, taxation for, 1407.

public use or purpose essential, 884, 1351, 1352.

elements of public use, 1352.

aid to railways a public purpose, 121 n., 313-319, 322, 884, 1352 n., 1402 n.,  
1403 n.

private enterprises cannot be aided by, 319, 804, 1351 n.

aid to manufacturing enterprises a private purpose, 884.

supplying natural gas to city and citizens, 1298 n.

levy of tax for sprinkling purposes, 1447 n.

for compensation of property owners damaged by removal of county-seat,  
1351 n.

**V. SUBJECTS OF TAXATION; SITUS,**

objects of taxation, 1385, 1386.

classification for purposes of, 1409 n.

what property must be taxed, 1367, 1385, 1386.

power of municipality confined to corporate limits, 1387 n.

tax upon property not within corporation at time of levy, 129 n.

land outside of city for object of a general nature, 1034 n.

liability of property in city to taxation by township, 354 n.

of lands in town to pay debts of adjoining city, 106 n., 1034 n.

property taxable by road or school district though not liable to ordinary  
municipal taxation, 1395.

what property is within municipality, 1388-1391.

municipal taxation of agricultural lands, 1394, 1395.

*situs* of property, 1389.

of tangible and intangible personal property, 1389.

of debts and choses in action, 1389, 1393 n.

of municipal bonds, 879 n., 1399.

of shares of stock, 1389.

of vessels, 1390, 1391.

municipal property is not taxable, 1396, 1397.

improvements made by lessee on land of municipality, 1375 n.

state and municipal bonds, 879 n., 1399.

bonds of debtor within State held by non-resident, 1354 n.

retrospective levies; omitted property; under-valuation, 1400.

public property of a county, 1376 n., 1396, 1397.

tax on gross premiums of foreign insurance companies, 430 n.

bridges over navigable rivers forming State boundary, 1388 n.

personal property, 1385-1391.

choses in action, 1389, 1393 n.

ferry-boats, 1391.

steamboats and other vessels, 1390, 1391.

of vessels on basis of tonnage, 1391 n.

capital employed in merchandise, 1387.

State taxes on foreign corporations, 1364, 1393 n.

capital stock of corporation, 1389.

stamp tax on transfers of stock, 1356 n., 1389 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **TAXATION — *continued*.**

## **V. SUBJECTS OF TAXATION; SUTTS — *continued*.**

banks and bank stock, 1393.  
city cannot tax bank wholly owned by the State, 1376 n.  
franchises and other intangible rights of public service corporation, 1392.  
"special franchises" in New York, 1392 n.  
gas and water companies, 1392.  
railway property, 1359, 1392, 1393.  
street railway companies, 1240 n., 1392.  
property of express company within State, 1360.

## **VI. EXEMPTIONS FROM TAXATION,**

exempted and omitted property, 1396, 1400, 1401, 1433, 1444.  
power to exempt property from municipal taxation, 105 n.  
city has no inherent power to grant exemptions, 1384 n.  
statutes granting exemption strictly construed, 1377 n., 1401.  
when statutory exemption is a contract right protected against impairment, 1401.  
transfer of exemption and immunity, 1401.  
exemption from taxation does not exempt from special assessment, 1444.  
exemption of public utilities from, 1297.  
agreements of city to pay taxes on works of water or light company, 1310.  
exemption of capital stock as including property represented thereby, 1401 n.  
remedy of owner where property exempt is assessed, 1401 n.

## **VII. LEVYING AND ASSESSING TAXES; PROCEDURE,**

when tax to be levied, 1379.  
uniformity and equality of taxation, 128 n., 1352, 1366-1372, 1386, 1409, 1410, 1433.  
apportionment to secure uniformity, 1352.  
uniformity of rule of taxation, 1386.  
prescribed mode must be pursued, 1402.  
tax must be voted at legal meeting, 507 n.  
special meeting to vote tax, notice, 533.  
vote levying tax may be rescinded, 539.  
tax levied by *de facto* aldermen valid, 1377. (See DE FACTO OFFICERS.)  
validity of meeting called by committee *de facto* cannot be inquired into, 1618 n.  
due process of law; right to notice and hearing, 1352, 1365.  
    meaning of phrase, 1365.  
sufficiency of description of property assessed, 1402 n.  
omission of property as affecting validity of tax roll, 1401 n.  
*certiorari* to review proceeding, 1592.  
remedy for omission to tax or illegal exemption, 1401 n.

## **VIII. ENFORCING LEVY TO PAY MUNICIPAL DEBTS. (See also CONTRACTS; MANDAMUS; MUNICIPAL BONDS.)**

power to tax, what will confer, 1506 n.  
whether power to contract debts confers authority to levy taxes, 1377, 1380.  
implied power to tax for authorized improvement, 1508.  
special limitations on power to levy, 1508.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TAXATION — *continued*.**

**VIII. ENFORCING LEVY TO PAY MUNICIPAL DEBTS — *continued*.**

- power of, as part of contract with creditor, 113 n.
- taxing power to pay bonds cannot be repealed, 959 n., 1510-1512, 1515.
- enforcing taxing rights existing when debt created, 1512.
- creditor entitled to full exercise of power, 1515.
- duty to warrant-holders in respect to levying taxes, 1525.
- when creditor may enforce levy of tax without prior judgment, 1511.
- when mode for levying tax to pay bonds is prescribed, 113 n.
- when creditor entitled to have a special tax levied, 959 n., 1510, 1511.
- special limitations of taxing power, 1508.
- effect of abrogation of statute authorizing issue, 1509.
- power of Federal courts to compel levy, 1518, 1519.
  - to appoint officer to collect, 1414 n., 1519.
- mandamus* to compel levy, 113 n., 122, 339, 421, 1352 n., 1402, 1403 n., 1435 n., 1483 n., 1485 n., 1486 n., 1493 n., 1506 *et seq.*, 1510 n., 1570 n.
  - (See MANDAMUS.)
- demand to levy tax not necessary where duty is imperative, 1528 n.
- commitment for refusal to levy tax in obedience to *mandamus*, 1519 n.
- mandamus* where council delay or refuse to order sale for delinquent taxes, 1487 n.
- if *mandamus* will lie to compel levy, injunction will not be awarded, 1570 n.
- personal liability of officer for refusal to levy tax, 444.

**IX. PAYMENT; COLLECTION OF TAXES,**

- statutory provisions making warrants receivable for taxes, 863.
- payment in coupons of bonds, 1414 n.
- mandamus* to compel receipt of coupons in payment, 1487 n., 1506 n.
- when interest collectible on delinquent taxes, 1417 n.
- power to impose penalties for non-payment, 1417 n.
- taxpayer has no right of set off, 1414 n.
- cost of collecting taxes and assessments, how paid, 1379.
- citizen cannot resist tax on ground of prior misappropriation of money, 1582.
- personal liability for taxes, 1414 n., 1416 n., 1421 n.
- specific mode of collection exclusive, 1415.
- action sustainable although summary collection authorized, 1416.
- action may be brought when no mode of collection provided, 1417.
- suits in name of corporation, 1421 n.
- power to levy and collect not inherent in court, 1414 n., 1519 n.
- limitation of actions to recover, 1188 n., 1194 n., 1414 n.
- employment of attorney to assist in collection of taxes, 824 n.
- where municipality is engaged in *ultra vires* undertaking, right to recover revenue tax, 1654.
- mode of collecting, 1414.
- collection by distraint of goods, 1413 n.
- summary collection may be authorized, 1413.
- precept to collect signed by acting president of council, 387 n.
- defects in proceedings to collect may be cured, 129 n.
- lien of taxes, 1416 n., 1420, 1421.
- power to sell for delinquent taxes, 1418, 1419.
- power to sell to be strictly pursued, 1419.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TAXATION — *continued*.**

**IX. PAYMENT; COLLECTION OF TAXES — *continued*.**

- municipal tax-deed as *prima facie* evidence of title, 1419 n.
- ordinance authorizing police to put purchaser at tax sale in possession, 589 n.
- injunction to prevent sale upon void precept, 1419 n.
- sale of property bid in by city for default in payment, 991 n.

**X. ACTIONS TO RECOVER BACK ILLEGAL TAXES,**

- action for recovery back of taxes, 1616-1624.
- legislature may direct restitution of property exacted by, 104 n.
- doctrine as to recovery back applies to licenses, etc., 1617.
- actions to recover back illegal taxes; elements of liability, 1616, 1617, 1618.
- tax must be illegal and void, 1618.
- irregularities no ground for recovery, 1616, 1618.
- payment must have been compulsory, not voluntary, 1618-1624.
- what constitutes compulsory payment, 1620, 1621 n.
- money compulsorily collected where property is not liable to taxation, 1618.
- money paid under color of process, 1618.
- effect of payment under protest, 1619 n.
- right to recover back taxes paid to avoid sale of land, 1619 n.
- land sold for taxes, action to recover back purchase money, 1618 n.
- voluntary payments without mistake or fraud not recoverable, 1622.
- mistake must be a mistake of fact, 1622.
- no right of recovery if paid under mistake of law, 1621.
- payment to wrong officer will not justify refunding of taxes, 1618 n.
- burden of proof of illegality on plaintiff, 1618 n.
- doctrine of United States Supreme Court, 1624.
- legalization before recovery back will defeat action, 1679 n.
- statute of limitations applicable to actions to recover back illegal taxes, 109 n., 1623.
- disbursement of money voluntarily paid under illegal assessment, State cannot enjoin, 1621 n.
- refund of money paid by assessors on illegal assessment, 308.

**XI. REMEDIES FOR ILLEGAL TAXATION,**

- illegal taxes and assessments, right to enjoin, 1584, 1589, 1590. (See *EQUITY; INJUNCTION.*)
- right of municipality to restrain illegal levy by county, 1573 n.
- injunction to restrain tax for patented pavement, 1577 n.
- injunction against collection of illegal taxes, 1579 n., 1589, 1590.
- suits by taxpayers to restrain unauthorized levy, 1579-1587.
- enjoining enforcement of license and occupation tax ordinances, 650 n.
- collection of tax in aid of railroad enjoined, 945 n.
- municipality cannot enjoin collection of tax by State and county officers, 1579 n.
- collection of legal tax not restrained to prevent enforcement of illegal one, 1579 n.
- what property may be taxed is not a question for the court, 1589 n.
- liability of city for acts of officer in executing tax warrant, 1652.
- property of non-resident illegally seized, right of action, 1651 n.
- trespass for illegal seizure under void assessment, 1653.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TAXATION — *continued*.**

**XI. REMEDIES FOR ILLEGAL TAXATION — *continued*.**

- liability for illegal seizure of property under void assessment, 1653.
- replevin will not lie to recover personal property seized for taxes, 1589 n.
- individual liability of tax assessor, 440 n.
- personal liability of tax collectors to third persons, 440 n.
- liability of officer for excessive assessments, 439 n.

**TAX COLLECTOR. (See OFFICE AND OFFICER; TAXATION.)**

**TAXING DISTRICTS,**

- held to be municipal corporations, 336 n.
- case of the City of Memphis, 336 n.
- may be sued as any other municipality, 336 n.
- created without reference to existing political divisions, 1352 n.

**TAXPAYER'S ACTIONS,**

- suits by taxpayers to restrain unlawful and unauthorized acts, 1579-1587.
- rule in New York; statutory remedy, 1585.
  - Massachusetts; statutory action, 1585 n.
  - Maine and Kansas; statutory action, 1585 n.
- legislative acts; rule in New York, 1585 n.
- discretionary acts; rule in New York, 1585 n.
  - contracts, 1585 n.
- inadvertence and mistake, 1585 n.
- unconstitutional statutes, 1585 n.
- to enforce limitations of indebtedness, 215.
- to enjoin wrongful appointment to office, 489.
- to restrain payment of salary to public officer, 1571 n.
- to enforce affirmative cause of action of city, 1588.
- to restrain grant of street franchises, 1585 n.
- to restrain grant of exclusive right to maintain waterworks, 1581 n.
- to enjoin payment of exorbitant rentals for water supply, 1302 n.
- by corporation holding franchise to enjoin unauthorized exercise of similar right, 1245 n.
- to set aside municipal consent to construction of street railroad, 1227 n.
- jurisdiction of Federal court, 1585 n.
- motives of plaintiff, 1584 n, 1585 n.

**TELEGRAPH AND TELEPHONE COMPANIES. (See also FRANCHISES;  
PUBLIC UTILITIES; STREET FRANCHISES.)**

- grant of authority to use streets, 1220.
- legislature may grant right to use streets without consent of municipality, 1222.
- constitutional requirement of consent of municipality to use of streets, 1223-1231.
- use of streets for poles and wires is a public use authorizing exercise of eminent domain, 1221.
- whether an additional burden, 1221, 1686 n.
- right of abutter to compensation, 1221.
- reservation of right to construct in dedicated street, 1075 n.
- authority to construct along "highways" authorizes construction in city streets, 1220.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **TELEGRAPH AND TELEPHONE COMPANIES — *continued*.**

- construction of lines on military or post roads, 1220.
- construction of telephone lines under grant of authority to construct telegraph, 1220.
- incidental power of gas company to construct lines, 1304 n.
- right to cut and trim trees, 721 n., 1221 n.
- franchise right in street a contract protected by constitution, 1220 n.
- telegraph an instrument of commerce within meaning of Federal Constitution, 1220.
- exercise of conflicting franchises in street, 1243.
- rental charges for use of street; charges for inspection and supervision, 665 n., 1275.
  - under free-holders' charter, 63 n.
- license fees for poles in streets, 599 n.
- subject to exercise of police power, 1220 n.
- validity of police regulations, 1270 n.
- removal of overhead wires, 1274.
- duration of franchise in street; right limited by life of public easement, 1266.
  - term limited by life of municipality, 1267.
  - term limited by corporate life of grantee, 1268.
- legislative regulation of rates, 1324.
- delegation of power to municipality, 1325.
- right of company to reasonable rate, 1327.
- power of judiciary to fix or prescribe rates, 1329.
- what are reasonable rates? general considerations, 1330.
  - elements of value; property and franchises, 1331.
  - cost of construction, 1332.
  - cost of reproduction of works, 1333.
  - risks and incidents of business, 1334.
  - value of property; capitalization and bonded indebtedness, 1335.
  - cost of operation; maintenance and depreciation, 1336.
  - net profit or return to corporation, 1337.
- taxation; interstate commerce, 1357, 1362.
- occupation taxes based on gross earnings, 1410 n.
- injury to traveller by reason of telegraph pole in highway, 1730 n.

## **TENDER,**

- city not obliged to seek creditor, 867 n.

## **TENEMENT HOUSE DEPARTMENT,**

- authority to adopt rules and regulations, 574.
- rules and regulations must be reasonable, 574.

## **TENEMENT HOUSES,**

- defined, 698 n.
- regulation of, 574, 698.
- fire escapes on, 698 n.
- manufacture of cigars in., 301 n., 666 n.

## **TEN-PIN ALLEYS (See BOWLING ALLEY.)**

- power to prohibit in saloons, 674.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TERRITORIES,**

- power to create municipal corporations, 57.
- cannot grant private charters, 57 n.
- corporations of, not affected by subsequent adoption of State constitution, 57 n.

**THEATRE.** (See EXHIBITIONS.)

- power to exact license fees, 661 n.
- requirement of attendance of police officer at, 720.
- power to assign fireman to theatre, 727 n.
- police regulation of hacks and vehicles at, 1166 n.

**THIEVES,**

- ordinance to prevent persons from associating with, 592.

**TIE,**

- casting vote of mayor in case of, 513.

**TIME,**

- computation of time of publication of ordinances, 605.

**TIPPLING HOUSE.** (See SALOONS.)

**TITLE,**

- object of legislative act to be expressed in, 75.
- provision not applicable to municipal ordinances, 72, 577.
- to land not triable in the inferior courts, 758.
- person claiming under corporation tax sale must show what, 1419.
- cloud on, equity will interfere to prevent, 1047, 1590.

**TOLL-BRIDGE.** (See BRIDGE.)

- cannot be constructed under general welfare clause, 719.
- considered a work of "internal improvement," 885.
- may be condemned and taken as part of public road, 1013.
- legality of bonds issued for, 885.
- rights of city as purchaser of, 1140 n.
- power of county to aid in construction of, 1140 n.
- city must have express authority to erect, 1158.
- properly assessed as real estate in district where located, 1392 n.

**TOLL-GATES,**

- in streets, 1128 n., 1129 n., 1131 n.
- legislative power to establish in city street, 1128 n.
- municipal control over, in city streets, 1138 n.
- damages for maintaining unauthorized toll gate, 1131 n.

**TOLLS,**

- city has no implied power to authorize taking of, 1158, 1277.
- for use of docks and wharves, 273.

**TORTS.** (See ACTION AND LIABILITY; NEGLIGENCE; SEWERS AND DRAINS; STREETS.)

- municipal liability for, 1157 n., 1246, 1625-1746.
- corporation may be exempted from prospective liability for, 104 n.
- liability not affected by limitation of indebtedness, 201.
- exercise of discretionary and legislative powers, 1626.
- doctrine as to implied liability, 1638-1646, 1665-1668.
- leading English decisions as to implied liability, 1665 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TORTS — continued.**

- distinction between *quasi* and municipal corporations as to implied liability, 38, 39, 1638, 1645, 1646. (See COUNTY; QUASI CORPORATIONS.)
- uniform doctrine of courts as to this distinction, 1645.
- limited liability of New England towns, 1639.
- leading Massachusetts case of *Hill v. Boston*, 1642.
- statutory and implied liability of New England towns, 1641. (See NEW ENGLAND TOWNS.)
- mode of enforcing liabilities of New England towns, 992, 1506 n., 1507 n., 1639 n.
- limited liability of counties, 35 n., 1640. (See COUNTY.)
- liability of counties for neglect of officials, etc., 1640 n.
- liability of county on covenant for destruction of leased building, 997 n.
- respondeat superior* held inapplicable to counties, 1640 n.
- no liability for injuries from unsafe county buildings, 1640.
- liability of school boards for injuries to pupils, 1638 n., 1641 n., 1642, 1658.
- implied liability of municipal corporations proper for misfeasance and non-feasance, 1645, 1646.
- implied liability; governmental functions; *Hill v. Boston*, 1642, 1643.
- governmental functions; immunity from liability denied in admiralty, 1644.
- ground of implied liability, 1665-1668.
- liability for acts *ultra vires*, 1647-1650.
- ultra vires* acts; illustrative cases, 1650.
- where municipality engages in *ultra vires* undertaking, 1654.
- respondeat superior*, when applicable and when not, 1634, 1647, 1655.
- whether neglected duty involves liability depends upon its nature, 1643, 1646, 1665.
- doctrine established by the English decisions stated, 1643.
- liability for wrongful acts done *colore officii*, 1650 n., 1652.
- liability for wrongful acts ratified by municipality, 1652.
- when officials act as public officers and when as corporate officers, 1655 n.
- applicability of rule as to negligence of co-servants, 1655 n., 1665 n.
- when duty rests upon corporation and when upon officers in individual capacity, 247, 1665 n.
- cases where implied corporate liability exists for wrongful act, 1651.
- municipal power to enlarge liability by ordinance, 1677 n.
- where city is liable, court not bound to regard change of incumbents, 1655.
- failure to enforce by-law, 1627.
- liability for failure to observe by-law, 1629.
- liability for negligence of building department in approving plans, 1656 n.
- not liable for negligence of steam boiler inspector, 1647 n.
- liability for fault of city engineer, 1663, 1664.
- liability for failure to abate nuisances, 1628.
- liable for authorizing nuisance upon street in violation of statute, 1630 n.
- as to liability in case it becomes necessary to create a nuisance, 1632 n.
- where city extends street so as to bring existing nuisance within limits of street, 1645 n.
- injuries caused by misconstruction of powers, 1630.
- losses occasioned by misconduct of licensees, 1630, 1636 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TORTS** — *continued*.

- liable to patentee of invention for infringement, 1645 n.
- liable for carelessness or want of skill of officers, 1647.
- city not liable for damage caused by the firing of cannon under its license, 1636 n.
- whether liable for injuries resulting from coasting on streets, 1626 n., 1665 n.
- imposition of penalty for trespass by strangers upon the common lands, 628 n.
- for trespass on the lands of others, 1650 n., 1651 n.
- trespass by agent where corporation had no power, 1650 n.
- trespass for illegal seizure of property under void assessment, 1652 n.; 1653.
- seizure by officers of bank-bills to pay void assessments, liability of city, 1617 n.
- liability where recorder wrongfully refuses bail, 1656 n.
- violation of ordinances imposing penalties are in the nature of, 637 n.
- liability of cities of New York and Brooklyn with respect to acts of employees of bridge trustees, 1655 n.
- demolition of houses to prevent spread of fire, 1632-1635.
- property destroyed by mobs, 1636, 1637.
- destruction of building by fire, 1340, 1629.
- fall of wall on adjoining property, 1627 n.
- damages caused by unsafe buildings, liability of city, 1641 n.
- liability for defective wharf or pier, 1665.
- liable for damages to vessel at wharf, when, 1645 n.
- negligence of servants in carrying out celebration of holiday, 1647 n., 1674 n.
- liability of city in capacity of property-owner, 1631, 1655 n., 1664 n., 1661 n., 1668 n., 1669-1673. (See PROPERTY.)
- liability as owner of waterworks; New York *v.* Bailey, 1669.
- liability for negligence in constructing and maintaining waterworks, light plants, etc., 1670.
- failure to provide adequate supply of water, 1340, 1660.
- failure to keep cisterns in repair, 1660.
- collapse of reservoir, 1303 n.
- damages occasioned by cutting off supply of water, 1631.
- diversion of subsurface water by municipal waterworks, 1341.
- impure water in free public well, 1672.
- acts of constables and other officers and servants, 1664 n.
  - of engineer or surveyor, 1663, 1664.
  - of commissioners of public charities, 1661.
  - of police officers, 799, 1656.
- faults of health officers, 1650 n., 1655 n., 1661.
- neglect of duties in respect to public health, 1661.
- acts of firemen, 1660.
- neglect to provide suitable fire apparatus, 1660.
- negligence of park department, 1659.
- street cleaning; removal of ashes and garbage, 1662.
- city hall and public buildings, 1657.
- police stations, 1656.
- school buildings, 1658.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1849; Volume IV, sections 1850-1747]

**TORTS — *continued*.**

- injuries caused by unsanitary and defective prisons, etc., 1656.
- liability for defective streets and sidewalks, 1687 *et seq.* (See **STREETS**.)
- liability to fireman injured by reason of unsafe street, 1660 n.
- explosion of gas in man-hole of steam-heating pipe, 1706 n.
- liability for grading and changing of grade of streets, 1676 *et seq.* (See **STREETS**.)
- destruction of shade-trees, 721, 1134 n., 1617 n.
- civil liability in respect to drains and sewers, 1731 *et seq.* (See **SEWERS AND DRAINS**.)
- negligence in construction and maintenance of sewers, 1664 n., 1665 n., 1673 n., 1734-1745. (See **SEWERS AND DRAINS**.)
- neglect to maintain sewers, 1665.
- failure to keep them free from obstructions, 1665.
- no liability for consequential damages for authorized acts, 1674, 1675.
- erroneous to make liability depend on motives of the corporation, 1674 n.
- sickness and disease resulting from defective sewer, 1744.
- overflow of surface water, liability for damages, 1675 n., 1676 n., 1677 n., 1680 n., 1731. (See **SURFACE WATER**.)
- corporate liability for acts of contractors and others, 1655 n., 1720 *et seq.*
- statutory requirement of presentation or demand before suit, 1612, 1613, 1636 n.
- notice of defect causing injury, what allegation sufficient, 1665 n.
- statute of limitations may be pleaded, 1194.
- personal liability of municipal officers, 436-444, 1517 n., 1575 n.

**TOWN-HALL.** (See **PUBLIC BUILDINGS**.)

- power of New England towns to build, 42.
- grants of sites for, on condition subsequent, 979 n.
- conveyance of land for site valid, 981, 1095 n.
- erection of, in public street, 1175.
  - in public square, 1079 n.
  - in public park, 1096.
- liability for injury by reason of defective construction, 1641 n.

**TOWN PLATS.** (See **DEDICATION**; **PLAT**.)

**TOWNS.** (See **CHARTER**; **DIVISION OF TOWNS**; **MUNICIPAL CORPORATIONS**; **NEW ENGLAND TOWNS**; **QUASI CORPORATIONS**.)

- of Europe in the Middle Ages, 5.
- in England, how constituted prior to 1835, 53.
- meaning of word, 32 n., 175 n.
- term may include cities, 32 n., 40 n.
- organization and powers of, in different States, 61 n.
- New England towns, 40, 41.
- legal powers of New England towns, 42.
- extent of legislative power over, 70 n., 92, 111, 123 n.
- legislative control over township funds, 105 n.
- election to determine whether newly erected township should be continued, 69.
- private rights which legislature cannot destroy, 111 n.
- payment of debts on dissolution, 106 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TOWNS — continued.**

- disposition of trust funds and property on division, 131 n., 358, 359.
- division of, *mandamus* to compel apportionment of money, 1487 n.
- corporate meetings in, 500.
- notice and adjournment of meetings, 507.
- majority present at town meeting may act, 520.
- requisites of notice of town meeting; object of meeting, 508, 509.
- requirement that notice of meeting be recorded, 507 n.
- by-laws passed at meeting not duly warned invalid, 509 n.
- ratification of acts of previous meeting not legally called, 509 n.
- amendment of record of town meeting, 551, 552.
- power to issue commercial paper, 283 n., 284, 291 n.
- power to aid railways, 313-324, 881. (See RAILROADS.)
- change into city corporation, 351 n., 584 n., 607.
- city formed from part of town, property rights of town, 359 n., 360.
- unlawful payments sanctioned by township committee, people not bound, 427 n.
- power to rescind previous action, 539.
- record of proceedings of township trustees, 558 n.
- power to license must be plainly conferred, 670 n.
- erection of county buildings on public square of town, 1097 n.
- erection of town hall in public square, 1097 n.
  - in public park, 1096.
- until incorporated streets are under control of county, 1140 n.
- repair of bridges on boundary line, 1157 n.
- not authorized to purchase and hold tax certificates, 1419 n.
- mandamus* against county to enforce judgment against township, 1507 n.
- attempt of city to exercise jurisdiction within town restrained, 1571 n.
- individual contracts by selectmen, 788.
- liability for damages where officers act *ultra vires*, 1650.
- distinction between *quasi* and municipal corporations as to implied liability, 1645, 1646.
- implied liability *ex delicto*, 1638.
  - for neglect of duty, 1640.
- limited liability of New England towns, 1639.
- liability for defective highways, 1688, 1689.
- statutory and implied liability of New England towns for defective streets and highways, 1641, 1691.
- liability of New England towns for defective town house, 1641 n.
  - for neglect or default of town clerk, 1664 n.
  - for defective public building, 1657 n.
  - for interest on claims, 867.
- liability of property of inhabitants of New England towns to execution on corporate judgment, 1639 n.

**TOWNSHIPS.** (See COUNTY; DIVISION OF TOWNS; QUASI CORPORATIONS; TOWNS.)

classification of, under prohibition of special law, 171.

**TOWNS IN NEW ENGLAND.** (See NEW ENGLAND TOWNS; QUASI CORPORATIONS.)

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TRADE.** (See INTOXICATING LIQUORS; LICENSE; OCCUPATIONS; ORDINANCES;  
POLICE POWER; TAXATION.)

by-laws in restraint of, void, 589 n., 592 n., 594, 595, 712.

may be regulated, 594-597, 661, 662.

scope of power to regulate, 665, 666.

power to license must be plainly conferred, 667.

ordinances regulating size, weight and price of bread, 711.

inspection ordinances, 709.

power to restrict use of property on certain streets, 695.

offensive trades and occupations, 684 n., 727 n.

regulation when so conducted as to create nuisances, 690.

monopolies not to be created under power to license, 668.

indirect injury to, 1680 n., 1711 n.

power to license and tax trades, 661, 1411, 1412. (See LICENSES.)

criminal conspiracies in restraint of, 594 n.

prescriptive customs in restraint of, 594.

**TRADES UNIONS,**

contract stipulations for employment of union labor, 808.

**TRADING.** (See MUNICIPAL TRADING.)

**TRADING STAMPS,**

prohibition of, 666 n.

**TRANSIENT TRADERS.** (See PEDDLERS.)

**TRAP DOORS,**

in sidewalks, usage, 1183.

**TREASURER.** (See also OFFICE AND OFFICER; WARRANTS.)

*status* as an officer, 385 n.

comptroller, not treasurer, is financial officer of city, 831 n.

liability to account for moneys received, 434.

for interest received on public funds, 434 n.

for wrongful payment of warrant, 864.

personal responsibility, 777 n., 1517 n.

entitled to sue in his own name for penalties, 642 n.

liability of corporation for acts of, 1652 n.

**TREES,**

shade trees in streets, 721, 1134 n.

power to set out shade trees in streets, 1181.

shade trees not obstructions, 1161 n.

special assessment for planting shade trees, 1440 n.

prohibiting hitching of horses to, 721 n.

removal in grading streets, 1151 n., 1152, 1154, 1677 n.

corporate liability for illegal destruction, 1134 n., 1651, 1677 n.

reservation of trees on dedicated lands, 1072 n.

dedication of lands subject to regulations as to maintaining shade trees,  
1075 n.

right of telegraph and telephone companies to cut and trim, 721 n., 1221 n.

removing shade trees to construct street railway, 1248 n.

ordinance regulating trimming of shade trees by street railway, 1269 n.

right of abutter to recover damages for destroying shade trees, 1126.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TRESPASSES.** (See **TORTS.**)

liability of city for, 1650 n., 1651.

by *de facto* officers, 1650 n.

**TRIAL BY JURY.** (See **JURY**; **MUNICIPAL COURTS**; **OFFENCES**; **SUMMARY CONVICTION.**)

**TRUSTS,**

power to take and hold property in trust, 107, 982.

act conferring title to land as ancillary to execution of public trust, 111.

legislative control over lands held for use of schools, 131 n.

over trust property, 131.

legislature may divest municipality of power to administer trusts, 111, 982.

private trust does not affect legislative power to alter or abolish municipality, 107.

capacity to execute trusts not affected by repeal of charter and new organization, 338 n.

charitable trusts in England, 982 n.

power to take and hold for charitable uses, 982.

devises to cities in trust for charitable purposes, 983-987.

devise in will for erection and support of hospital, 987.

municipal corporations may be trustees for their own benefit, 981, 982.

for charities within the scope of their duties, 982.

effect of mistake in name of corporate devise, 350, 987 n.

funds must be applied as prescribed in will, 358 n.

charitable trusts germane to corporate purposes, 983-986, 988.

cannot be trustees for objects utterly foreign to their purposes, 989.

devises to cities for hospitals, etc., are valid, 987.

other instances of valid charitable gifts to municipal corporations, stated, 987 n.

legislative power over city as trustee, 131, 982 n.

legislature may appoint new trustees, 982.

legislature or chancery may in proper cases appoint, 989 n., 1074 n.

equity, when necessary, will appoint trustees and compel execution of trust, 107, 334, 982.

when conveyance passes full title, and not in trust, 976, 992 n.

may alienate property held in fee, 991 n., 1023. (See **DEDICATION.**)

leases of property held in trust, 997.

conveyance by trustees executed in their individual names, 999 n.

equity jurisdiction over trust property, 1574, 1575. (See **EQUITY.**)

power of legislature or chancery to appoint trustee for dedicated lands, 1074 n.

remedy to prevent misuser of dedicated lands, 1106.

remedy when corporation is trustee of property or fund, 1574.

remedies for fraudulent disposition of corporate property and funds, 1575.

reimbursement out of trust funds, 308 n.

public trusts cannot be delegated, 244.

fiduciary relations of municipal officers, 772.

**TUNNELS,**

legislative authority to build under streets, 1129 n.

construction within limits of street, right of abutter to compensation, 1683.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**TURNPIKE ROADS,**

- toll gates in city streets, 1128 n., 1129 n.
- municipal control over, 1138 n., 1141 n.
- consent of local authorities to construction of street railway in, 1227 n.
- power of city to pave plank road and assess abutters, 1431 n.
  - to construct sidewalk along, 1138 n.
  - to construct sewer in, 1138 n.
- duration of franchise; term limited by corporate life of grantee, 1268.
- right of city to recover street on expiration of company's charter, 1141 n.

**ULTRA VIRES,**

- distinction between contracts *ultra vires* and illegal contracts, 1611.
- corporation may make the defence of, 791, 792, 796, 857, 1610, 1611, 1647.
- estoppel when contract is wholly or partly executed, 772, 792, 991 n.
- estoppel of surety on contractor's bond, 830 n.
- contracts in excess of lawful power void, 294 n., 309, 312, 777, 791, 792, 1610, 1611. (See CONTRACTS.)
- affixing seal to *ultra vires* contract will not bind corporation, 361 n., 791 n.
- acts of township committee *ultra vires*, people not bound, 427 n.
- ordinance *ultra vires*, license to sell liquor, 670 n.
- powers of agents and officers to contract, 775.
- contracts without previous appropriation, 790.
- contracts of suretyship, 814.
- agreement to submit to arbitration assessment of damages for land taken, 1057 n.
- as a defence in actions on warrants, 857.
- where municipality engages in *ultra vires* undertaking, 1653.
- no corporate liability for acts wholly *ultra vires*, 237, 333, 1647-1650.
- liability where municipality engages in *ultra vires* undertaking, 1654.
- recovery on warrants issued in excess of corporate power, 862.
- return of consideration as condition of relief, 796 n.
- ratification of unauthorized acts and contracts, 127 n., 244 n., 797-799, 948, 994.
- constitutionality of validating acts, 128, 129, 948.
- remedies for corporate excess of power, 1573.
- taxpayers' actions to restrain illegal and unauthorized acts, 1575-1587.
- equity will entertain jurisdiction where corporation or officers act *ultra vires*, 1587.
- remedy by *certiorari*, 1591-1595.
- remedy by prohibition, 1596.
- liability of officers for making *ultra vires* contracts, 443.

**UNDERGROUND RAILWAYS. (See RAILROADS.)**

- construction and ownership by municipality; city purpose, 1294.
- municipal consent necessary for, under constitution, 1225 n.

**UNION LABOR,**

- mandatory legislation as to, on municipal works, 118.
- contract stipulations for employment of, 808.
- ordinance requiring city printing to bear union label, 589 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

UNITED STATES,

- municipal institutions of, 11-14, 15.
- decentralized system of government, 16.
- power of Congress to authorize bridge between two States, 277 a, 1013 n.
- may take bonds and securities, 394 n.
- land may be taken for use of, 1013 n., 1033 n.
- as to condemnation of land owned by, 1033 n.
- power to open streets over lands of, 1033 n.
- may dedicate streets and public places, 1033 n., 1078 n., 1083 n.
- not bound by statutes of limitation, 1188.
- property of, not taxable by State or municipality, 1355 n., 1396, 1397.
- instrumentalities of, not taxable by State, 1398.
- taxation of public lands of, 1355 n.
  - of Indian lands, 1355 n.
- government bonds not taxable by authority of State, 1355 n.
- mandamus* to secretary of state and postmaster-general, 1490 n.
- interest on claims against, 867.

UNITED STATES COURTS. (See FEDERAL COURTS; MANDAMUS; MUNICIPAL BONDS; RAILROADS.)

UNIVERSITIES,

- levy of taxes for, 1351 n.

UNREASONABLE ORDINANCES,

- are not binding, 589-597.
- legislative authority to adopt, 600.

UNSAFE STREETS,

- liability. (See STREETS.)

USAGE,

- as evidence of existence of municipal powers, 240, 241, 1183.
- in construing doubtful words, 241 n.
- ordinances not sustainable on ground of, 595.
- power of forfeiture cannot be inferred from usage, 617.
- as affecting abutters' rights with respect to doors, iron gratings, etc., 1183.

USER,

- proof of corporate existence by, 232.
- acceptance of charter shown by, 232.
- necessary to authorize *quo warranto*, 1565.
- whether ratification of contract may be implied from, 798.
- effect of, to establish dedication of property to public use, 1080-1082.
- of land as street, estoppel to deny that it is a legal highway, 1700.

USURPATION. (See FRANCHISES; OFFICE AND OFFICER; QUO WARRANTO.)

USURY,

- in corporation securities, 889 n.
- new note of city in place of usurious note, 782 n.
- defence of, in respect to warrants, 857.

VACANCY,

- in municipal offices, 414, 470, 485.
- of mayor of old English municipality, effect, 53.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**VACANCY** — *continued*.

- "vacancy" construed, 414 n.
- by removal from territorial limits, 371 n. (See **RESIDENCE**.)
- absence of mayor from city, 414.
- by resignation, 416. (See **RESIGNATION**.)
- by accepting incompatible office, 417.
- by abandonment, 420.
- caused by valid motion, 485.
- in election contests, when a question for the courts, 381.
- appointment to fill vacancy, 385 n.

**VACATION OF STREET**, 1102 n., 1103, 1160, 1686 n. (See **STREETS**.)

**VAGRANCY**,

- distinguished from disorderly conduct and breach of peace, 722 n.

**VAGRANTS**,

- power to arrest and fine, 722.
- power to confine, 722 n.
- vagrant act of Illinois held unconstitutional, 744 n.

**VALIDATING ACTS**. (See **CURATIVE ACTS**.)

**VALIDATION**,

- by election after incurring of debt, 213.

**VAULTS**,

- power to maintain under sidewalks, 1178, 1179.
- tax for privilege of building, 1408 n.
- owner constructing must not interfere with public utilities in street, 1243.
- liability for disturbing steam pipes in streets, 1153 n.
- liability of owner and tenant for defective covering, 1726 n.

**VEHICLES**. (See **PEDESTRIANS**; **STREETS**.)

- regulation and taxation of, 595, 628 n., 661, 663, 664 n., 668 n.
- speed regulated, 712, 1272 n.
- use of streets by, 1139 n., 1166, 1168 n.
- nuisances in streets, 684 n., 1132 n.
- pedestrians and vehicles have equal rights, 1163 n.
- taxation of vehicles using paved streets, 1163, 1164, 1166 n., 1412 n.
- where railway track is so laid as to prevent vehicles from standing in street, 1248 n., 1264 n.
- whether negligence of driver may be imputed to person riding, 1712 n.

**VENDOR AND PURCHASER**,

- power of city to sell and convey, 991.
- conveyances by municipality, 998, 999.
- vendor cannot question power of city to take and hold, 990.

**VESSELS AND BOATS**. (See **SHIPPING**; **WHARVES**.)

- quarantine regulations, 680, 681 n.
- locus* for purposes of taxation, 1390, 1391.
- State taxes on gross receipts of steamship company, 1359 n.
- taxation of, on basis of tonnage, 1391 n.

**VESTED RIGHTS**. (See **CONSTITUTIONAL LAW**; **CONTRACTS**; **MANDAMUS**; **REPEAL**; **TAXATION**.)

- no vested right in municipal charter or incorporating act, 92.
- may arise under charter of municipal corporation, 92.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**VESTED RIGHTS** — *continued.*

- of inhabitants of annexed district, 106.
- general power in municipal charter cannot interfere with, 236 n.
- repeal of ordinance granting franchise after acceptance, 584 n.
- repeal of ordinances cannot operate retrospectively to impair, 584.
- ordinances must not interfere with, 712 n.
- licenses to sell liquor do not create, 669 n.
- not impaired by re-assessment, 1469.
- to fines, 96 n.
- in profits arising from licenses, 105.
- to wharfage, 261 n.
- in uncollected taxes, 1382. \
- under completed assessment, 827 n.
- city has no vested right to maintain and operate water or light plant, 1306.
- in grants of public service franchises, 1306.

**VETERANS,**

- power of town to erect building for G. A. R. post, 997 n.
- preference of, under civil service law, 408.
- removal of, from office, 479 n.

**VETO,**

- passage of ordinances over mayor's veto, 578.

**VIADUCTS,**

- elevated viaducts in streets, 1159.
- liability of city to abutters for constructing, 1159, 1677 n., 1686.
- railroads may be required to erect viaducts over tracks at crossings, 1272 n.

**VICTUALLING HOUSES,**

- power to regulate and to license, 661 n., 667.

**VIEW OR PROSPECT,**

- abutter's right of view or prospect, 1184 n.

**VILLAGES,**

- consent to construction of street railway over highway bridge, 1227 n.

**VIVA VOCE VOTE,**

- meaning of term, 529 n.
- choice of officers by, 371, 529.

**VOLUNTEER,**

- cannot recover for services, 793.

**VOTER AND VOTING.** (See ELECTIONS; NON-RESIDENT; OFFICE; RESIDENCE.)

- vote of people on local questions, 69.
- charter fixes the qualifications of voters, 59.
- "majority of legal voters," 69 n., 324 n., 383, 891, 954 n.
- "two thirds of qualified voters," 317 n., 886 n., 904 n., 946 n.
- mode of registration, 371 n.
- whether plurality vote sufficient to elect, 520 n.
- votes for disqualified person, 373.
- effect when ineligible person receives majority, 373.
- votes at unauthorized elections are nullities, 374.
- informality or irregularity, 374 n., 375.
- illegal or improper votes, effect of receiving, 376.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**VOTER AND VOTING — *continued*.**

voting papers in England, 375 n.

popular vote as a condition precedent to issue of bonds, 891, 904.  
to incurring debt, 213.

*mandamus* to compel canvass of votes, 1497.

voter entitled to *mandamus* to compel holding of election, 1527.

voter may become relator in *quo warranto* proceedings, 1562.

**VOTES. (See ELECTION; VOTER AND VOTING.)**

charter requirement of vote by ayes and nays, 540.

right to rescind, 539.

**WAGES,**

mandatory legislation as to, on municipal works, 118.

payment of prevailing rate, 808.

**WAGONS. (See VEHICLES.)**

**WAIVER,**

of irregularities in issue of bonds, 959.

of notice in condemnation proceedings, 1042 n.

land-owner may waive constitutional or statutory provisions for his benefit,  
1041 n.

of errors in proceedings by acceptance of damages for property taken, 1030.

of objections to validity of local assessment, 1454, 1456, 1457 n.

of notice of claim and demand before suit, 1613.

**WALL,**

liability for fall of unsafe wall, 1637 n., 1705 n.

**WALLS IN COMMON,**

municipal power to regulate, 311.

**WARDS,**

division of corporation into, 59.

a municipal affair under prohibition of special laws, 165.

taxation of annexed wards to pay previous debts of city, 106.

**WARRANT FOR ARREST. (See ARREST.)**

power of police officers to arrest without a warrant, 390, 391, 640 n.

**WARRANTS ON MUNICIPAL TREASURY, 850-867.**

subject treated, Vol. II, §§ 850-867.

defined, 850.

power to issue, 280 n., 851.

payment at stated future periods, 851.

may be issued although no money in treasury, 851.

cannot be issued at a discount, 851, 883 n.

may be made payable in gold coin, 851 n.

statutory requirements as to form, 852.

sufficiency of signature of, 852.

when seal necessary, 362 n., 852.

payment and cancellation of, 853.

reissue of cancelled warrant, 853.

alteration after issuance, 853 n., 1650 n.

right of action on, 854, 1506 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**WARRANTS ON MUNICIPAL TREASURY — *continued*.**

- action by endorsee or transferee, 854.
- demand necessary to action on, 854.
- effect of judgment on, 854.
- presumption of validity and liability, 855.
- rescission before payment, 539 n.
- negotiability; rights of *bona fide* holders, 856.
- sale of municipal warrants pledged as collateral, 856 n.
- rights of purchaser of pledged warrant, 858 n.
- defences, estoppel, 857.
- usury, 857 n.
- suit to cancel warrants illegally issued, 857.
- taxpayer's action to enjoin illegal issuance, 857.
- action by city to recover money paid under void warrant, 857.
- effect of issuing new orders for old, 857 n.
- transfer and assignment, 858.
- equities between successive holders, 858.
- liability of endorsers of warrants, 858.
- order of payment, 859.
- presentation and registration as affecting order of payment, 859.
- each year's revenue as separate fund, 859.
- when payable from general funds, 860.
- payable out of a particular fund, 860, 1056 n.
- power to call in, for examination, cancellation and reissue, 861.
- subrogation of holder of void warrants to debt, 862.
- statutory provisions making warrants receivable for municipal taxes and debts, 863.
- liability of municipal officers for misfeasance, 864.
- may be subject of forgery and larceny, 864.
- limitation of actions on, 865.
- effect of statute of limitations on right to offer warrants for taxes and debts, 865.
- mandamus* to compel audit of claims, 1506 n.
- rescission of audit, 866.
- mandamus* to compel issuance of, 866.
- to compel payment, 1486 n., 1507.
- interest on, when recoverable, 867.
- distinction between negotiable bonds and ordinary warrants, 1524.
- enforcement of, by *mandamus* in Federal court, 1525.

**WARRANTY,**

- authority of mayor to execute deed containing, 384 n.
- covenant of, in deed by city, 998.
- liability of city under covenant of, 998 n.

**WATER AND WATERWORKS. (See CHARTER; FRANCHISES; MONOPOLIES; PUBLIC UTILITIES; STREET FRANCHISES.)**

- public character of water supply, 1297.
- water in pipes and mains may be subject of larceny, 1322 n.
- power of State to prevent extra-territorial interference with water supply, 1295.



[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## **WATER AND WATERWORKS — *continued*.**

power to compel supply to tenement houses, 698.  
prevention of pollution of waters flowing from another State, 1295.  
contamination of water supply, 1316.  
pollution of, by municipality, 1033 n.  
indictment of municipality for depositing sewage in stream, 1316 n.

### **I. MUNICIPAL WORKS AND SUPPLY,**

power to procure, 39, 306, 771 n., 983 n., 1296.  
nature of municipal power respecting, 97, 1574, 1585 n.  
water commissioners are municipal officers, 97.  
power of legislature to appoint, 97, 98 n., 101.  
power to appoint trustees cannot be conferred on courts, 95 n.  
water committee held to be agents, not officers, 102 n.  
public nature of service, 1297.  
private or governmental capacity of city in furnishing or contracting for, 1303.  
authority to city to maintain waterworks is subject to repeal, 1306.  
exercise of power of eminent domain for, 306 n., 1033, 1046.  
power of city to condemn lands beyond municipal limits, 352 n., 1028.  
compensation for lands taken, 1033 n.  
    for water rights taken, 1060 n.  
special limitations on indebtedness for, 190, 214.  
submission of bond proposition to electors, 891 n.  
power to purchase lands for, 976 n.  
    of city to purchase subject to encumbrance, 1296.  
    to obtain by driven wells, 1302 n.  
    of city to become joint owner with water company, 977 n.  
rights of city as riparian proprietor to take water from stream, 1212 n.  
power of city to furnish to inhabitants, 1298.  
    to dispose of surplus water, 997 n., 1299.  
    to supply other cities and beyond limits, 1299.  
power to apply surplus to private purposes, 1300.  
special assessments for works and mains, 1439 n., 1440 n.  
    for lateral service pipes, 1442 n.  
municipal waterworks not taxable, 1396 n.  
property held by city in trust for public purposes, 1301.  
power of city to sell works, 991 n., 1301.  
lease of municipal waterworks, 997 n., 1301 n.  
covenant by lessee to maintain municipal waterworks in repair, 997 n.  
power of city to mortgage waterworks, 996, 1301 n.  
power of railroad to condemn city's reservoir lands, 1022 n.  
sale of municipal works under execution, 992 n.  
power to contract for construction, 771 n.  
duties and liabilities under contract for building works considered, 812 n.  
sufficiency of resolution for construction of, 571 n.

### **II. CONTRACTS FOR WATER SUPPLY,**

power of city to contract, 1302.  
power of city to contract with foreign corporation, 1212 n.  
contract for, as affected by limitation of indebtedness, 196.  
duty to solicit bids for supply of water, 1302 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**WATER AND WATERWORKS — *continued*.**

**II. CONTRACTS FOR WATER SUPPLY — *continued*.**

- letting of contract to lowest bidder, 802 n.
- power to contract for supply for term of years, 1307.
- term of contract by city, 1307.
- when ordinance necessary for contract for, 1303 n.
- stipulation for free supply to churches and schools, 1326 n.
- contracts granting exclusive right, 771 n.
- liability of city for water furnished; implied contract, 1338.
- ultra vires*; executed and executory provisions, 1339.
- damages for inadequate supply by contracting company, 1338.

**III. FRANCHISE AND CONTRACT RIGHTS OF WATER COMPANIES,**

- water company held to be a public corporation, 90 n.
- grants of franchises to corporations and individuals, 1304.
- when popular vote a condition precedent to franchise, 1304.
- constitutional limitation of debt does not prevent grant of franchise, 191.
- sale of franchises to highest bidder, 1305.
- conditions attached to grants of franchises, 1304.
- reservation in franchise grant of right to regulate rate, 1304 n.
- stipulation for free supply to churches and schools, 1306 n., 1326 n.
- enforcing compliance with conditions of franchises, 1311.
- breach of condition of franchise by company; forfeiture, 1311.
- rights of bond holder on forfeiture of franchise for breach of condition, 1311 n.
- franchise rights are contracts which cannot be impaired, 1306.
- exclusive right to supply city a contract right protected by constitution, 113 n., 1212 n.
- power of city to grant exclusive franchise or contract right, 668 n., 771 n., 1212 n., 1214, 1308, 1309.
- when power to give exclusive right incidental to contract for water, 771 n., 1308.
- grant of franchise not exclusive in absence of express stipulation, 1308.
- unauthorized grant of exclusive right void in part only, 1308.
- exclusive franchise void as a monopoly, 669 n.
- taxpayer's action to restrain grant of exclusive right to maintain, 1215 n., 1581 n.
- agreements by municipality to satisfy or pay taxes on works of company, 1310.
- purchase of works of company by city, 1312.
- power of city to sell reserved right to purchase works, 991 n.
- acquisition of works of company by eminent domain, 1019 n., 1313, 1314.
- contract rights of company may be acquired by eminent domain, 1016 n.
- rights of municipality and grantee at expiration of franchise, 1315.
- delegation of power of eminent domain to foreign water companies, 1304 n.
- assignment of contract with city for water supply, 1338 n.
- power to transfer entire property to another, 1301 n.
  - of city to become a stockholder of water company, 1296 n.
  - of city to sell stock in, 991 n.
  - to issue bonds in aid of, 883 n.
  - to donate lands in aid of, 976 n.

[The references are to sections. Volume I, sections 1-549; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

# **WATER AND WATERWORKS — *continued*.**

## **III. FRANCHISE AND CONTRACT RIGHTS OF WATER COMPANIES — *continued*.**

- obligation to furnish reasonably pure supply, 1316.
- preferential right of town to water supply as against commercial consumers, 1317 n.
- liability of property to sale on execution, 992 n.
- taxation of, 1392, 1396 n.
- taxation of franchises in streets, etc., 1392.
- liability for property destroyed by fire, 1340.
- direct contracts with property owners to furnish fire protection, 1340.
- liability for negligent escape of water from pipe, 1212 n.

## **IV. USE OF STREETS AND PUBLIC PLACES,**

- constitutional requirement of consent of municipality to use of streets, 1223-1231.
- right to use city streets under California constitution, 1304 n.
- pipes and mains in streets not additional servitude, 1212.
- pipes and mains may be laid under sidewalk without liability to abutter, 1212 n.
- water tank and standpipe unlawful uses of streets, 1156 n., 1212.
- power to construct pumping station in public park, 1156 n.
- water pipes in streets subject to municipal duty to improve streets, 1271 n.
- rights in street subject to health power of city, 1212 n.
- company compelled to lower pipes to conform to new grade, 1212 n.
- construction of private water pipes in streets, 1176.
- reservation of right to lay pipes in dedicated street, 1075 n.
- right to lay pipes for private use in dedicated street, 1076 n.
- obligation of abutter to maintain lateral connection, 1319 n.

## **V. RIGHTS AND OBLIGATIONS OF CONSUMERS,**

- water in pipes and mains may be subject of larceny, 1322 n.
- clandestine abstraction of water, 1322.
- water rates are toll for services rendered and not a tax, 1371 n., 1423 n.
- water rates; lien, 1323, 1420 n.
- duty of municipality or corporation to furnish supply, 1317.
- duty to supply all without discrimination, 1317.
- rates for boarding houses; hotels and dwelling houses, 1317 n.
- rates must be reasonable, 1318.
- rules and regulations, 1319.
  - must be reasonable, 590.
- security for payment, deposit, 1321.
- failure to pay for service, 1321.
- meters, 593 n., 1320.
- remedies for refusal to furnish supply, 1317.
- liability of city for failure to supply, 1631.
  - to consumer for defective supply, 1212 n.
- city may be restrained from illegally cutting off supply of water, 1585 n.
- payment of license under threat of turning off water held compulsory, 1620 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

## WATER AND WATERWORKS — *continued.*

### VI. REGULATION OF RATES,

- legislative regulation of rates, 1324.
- delegation of power to municipality, 1325.
- power is continuing in its nature, 1326.
- stipulations as to rates in ordinances and contracts, 1326.
- power of city to fix rate for definite period, 1326.
- province of court, 1327.
- right of company to reasonable rate, 1327.
- remedy in equity against unreasonable regulation, 1328.
- power of judiciary to fix or prescribe rates, 1329.
- what are reasonable rates? general considerations, 1330.
  - elements of value; property and franchises, 1331.
  - cost of construction, 1332.
  - cost of reproduction of works, 1333.
  - risks and incidents of business; other sources of supply, 1334.
  - value of property; capitalization and bonded indebtedness, 1335.
  - cost of operation; maintenance and depreciation, 1336.
  - net profit or return to corporation, 1337.

### VII. LIABILITY FOR NEGLIGENCE,

- liability of city as owner of works, 1631, 1655 n., 1669, 1671 n.
  - of city for negligence in constructing or maintaining works, 1303, 1670.
  - for negligence in laying pipes in streets, 1666 n.
  - for frightening horse by blast of waterworks whistle, 1670 n.
  - for escape of water from pipes through negligence, 1212 n.
  - of city for damage caused by water from hydrant, 1667.
  - for death of child falling into reservoir or conduit, 1670 n., 1671 n.
  - for wrongfully diverting water on abutting land, 1665 n.
  - of city for polluted water supply, 1316.
  - for impure water in free public well, 1672.
  - of city and water company for property destroyed by fire, 1340.
- diversion of subsurface water by municipal waterworks, 1341.
- right of abutter to compensation for damages from overflow, 1675 n., 1676 n., 1677 n., 1680 n. (See SURFACE WATER.)
- in suits for damages from overflow, law is same as in cases of mill-dams, 1671 n.

### WATER COURSES,

- distinction between natural streams and surface water, 1731. (See RIVERS; SURFACE WATER.)
- power of city to straighten and improve, 1028.
- obligation of city to protect lands from overflow, 1121 n.
- alluvium and accretions to dedicated lands, 1077.
- use of dedicated lands for landing or wharf, 1101.
- city has no right to divert, 306 n., 1731.
- acquisition of riparian rights by eminent domain, 1016 n.
- compensation for water rights taken, 1060 n.
- pollution of, by municipality, 1033 n.
- municipal corporation liable for wrongfully obstructing, 1665 n., 1673 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**WATER POWER,**

for public grist-mill is a work of internal improvement, 884 n.

**WAYS. (SEE STREETS.)**

dedication of public footways, 1075 n.

taking of private way for street purposes; compensation, 1143.

**WEIGH-MASTER,**

power to appoint, 385 n.

ordinance requiring grain to be weighed by, 710.

**WEIGHTS AND MEASURES,**

ordinances requiring public weighing, etc., 710, 711.

**WELLS,**

construction of, in public streets, 1176.

power of city to obtain water supply by driven well, 1302 n.

**WHARVES,**

legislative power over, 1121 n.

statutory authority to construct, 39, 261.

may be conferred by the States subject to Federal restrictions, 261.

construction of, under authority from Congress, 265.

right to erect public wharves and demand tolls is a franchise, 267.

delegation of powers in respect to, 244 n.

municipality may delegate power to construct breakwater, 271 n.

exclusive right to erect and maintain, 261 n.

public wharf on private property, 261.

what constitutes a public wharf, 262.

powers as to wharves and wharfage may be revoked, 111, 261, 271 n.

tolls and wharfage, 273.

right to charge wharfage, 39, 111 n., 261, 267, 273.

meaning of "wharfage," 263 n.

wharfage not a tax, 263 n.

nature of wharfage charges, 271.

maritime lien for wharfage, 267 n.

lien for wharfage against vessels owned by city, 993.

city can collect wharfage only for use of its own wharves, 111 n.

charge must be reasonable, 272 n.

"wharfage" and "duty of tonnage," distinction, 272 n.

right of wharfage a property right, 266.

municipality has no vested right to wharfage, 272 n.

effect of repeal of power to levy and collect wharfage, 114 n.

suits for wharfage, jurisdiction of State courts, 267 n.

public and private wharves, difference, 262.

right to erect public wharves, 267.

rights, duty, and liability of public wharf owner, 263.

rights of riparian proprietor, 264, 268, 1077.

limitations on, 266.

establishment of dock and harbor lines, 266.

erection of, by municipalities, 268.

exercise of power of eminent domain for, 269.

compensation for, when taken by city, 1060 n.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969;  
Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**WHARVES** — *continued*.

- construction of, at ends of streets, 271.
- as to wharves in public streets, 1131 n.
- municipality may erect wharves at ends of streets, 264 n., 271, 1077 n.
- power to construct on public promenade, 1101 n.
- construction of railroad sidings and branches to connect with, 1233 n.
- grants of land under water, rights of wharfage, 264 n., 266.
- right to erect by other than riparian owner, 264 n.
- sale and lease of, 270, 991 n., 1031 n.
- liability of city for injury to private wharf, 271 n.
- extent of municipal power, 271 n.
- respective rights of riparian owner and municipal authorities, 271 n.
- rights of municipality as riparian proprietor, 268, 1077, 1101.
- powers of municipality as to wharves, 271-273, 1101.
- power to regulate, 685 n.
- municipal power to regulate private wharves and docks, 271.
- scope of municipal powers, 272.
- ordinances as to stationing vessels, 598 n.
- duties and liability of municipality, 274.
- right to wharf out, 264, 266 n., 268 n., 977.
- use of dedicated lands for, 1101.
- permissive use of, held not to establish dedication, 1081 n.
- summary proceeding to remove private wharf, 684.
- when pilot and harbor regulations valid, 261 n.
- power to regulate does not give right to define line of high-water mark, 685 n.
- paved street extending to the water's edge may be designated as a wharf, 262 n.
- land condemned for, city cannot lease to private elevator company, 1031 n.
- as to uniformity in wharfage and dockage duties, 1433 n.
- not taxable when owned by municipality, 1396 n.
- lease of wharf by city, taxpayer may enjoin, 1579 n.
- municipal liability as respects wharves, 263 n., 274, 1665, 1666 n.
- liability of city for injuries sustained before opening of wharf to public, 1671 n.
- bill in equity to have wharfage ordinance declared void, 1590 n.
- docks built by city under legislative act, 1655 n.
- liability for defective wharf or pier, 1665, 1666 n.
- city liable for negligently failing to have string piece on dock, 1665 n., 1696 n.
- review of the English dock cases, 1668 n.
- liability of city for damages to vessels, 1645 n.
  - for damages by piles in front of pier, 1626 n.
  - for failure to remove sunken wreck, 1626 n.
  - of city for drain at end of wharf, 1740, 1742 n.

**WILL.** (See **TRUSTS**.)

- mistake in name of corporate devisee, 350, 987 n. (See **NAME**.)
- power of corporation to take by devise, 981, 982 *et seq.*
- funds must be applied as prescribed in will, 358.

[The references are to sections. Volume I, sections 1-459; Volume II, sections 460-969; Volume III, sections 970-1349; Volume IV, sections 1350-1747]

**WILL** — *continued*.

- bequest to municipality in foreign country, 982 n.
- to town in another state, 982 n.
- devise to city in trust for education and support of orphans, 983.
- to educate the poor, 984, 985.
- in trust for relief of poor emigrants, 986.
- for erection and support of hospital, 987.
- devises for objects foreign to corporate purposes, 989.
- bequest for purchase of fire engine, 988 n.

**WINDOWS,**

- opening upon the way or street, 1183.

**WITNESSES.** (See EVIDENCE.)

- in corporation court, 748.

**WOODEN BUILDINGS.** (See FIRE; POLICE POWER AND REGULATIONS.)

- power to prevent erection within fire limits, 727.
- ordinance to prohibit erection of, 575 n.
- may become nuisances by the way used, 684 n.
- equity will not enjoin erection of, 727 n.

**WORKHOUSES,**

- liability to prisoners for injuries caused by unsanitary and defective prisons, etc., 1656.

**WRIT OF ERROR.** (See APPEAL; CERTIORARI.)

- to municipal courts, 752, 1591, 1596 n.
- effect of, on right to *mandamus*, 1486 n.
- on right to *certiorari*, 1595.
- on refusal of court to allow claimant to office to file information, 1567 n.

**YEAS AND NAYS.** (See AYES AND NAYS.)

**ZOOLOGICAL GARDENS,**

- liability for negligence of employees, 1659 n.











Stanford Law Library



3 6105 06 133 806 2



